

AN ACT

relating to transportation of loose materials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 725.003(a) and (c), Transportation Code, are amended to read as follows:

(a) A person or the person's agent or employee may not [~~load or~~] transport loose material, aggregates, or refuse in violation of this chapter.

(c) An offense under this section is a misdemeanor punishable by a fine of [~~+~~

~~(1)] not less than \$25 or more than [\$200 for a first conviction; and~~

~~(2) not less than \$200 or more than] \$500 [~~for a second or subsequent conviction]~~.~~

SECTION 2. Section 725.021, Transportation Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Except as provided by Subsection (e), the [~~The~~] load shall be covered and the covering firmly secured at the front and back, unless the load:

(1) is completely enclosed by the load-carrying compartment; or

(2) does not blow or spill over the top of the load-carrying compartment.

1 (e) If the vehicle is a commercial motor vehicle
2 transporting aggregates, as defined by Section 133.003, Natural
3 Resources Code, or refuse, the load shall be covered and the
4 covering firmly secured at the front and back or shall be completely
5 enclosed by the load-carrying compartment. For purposes of this
6 section, "commercial motor vehicle" means a motor vehicle, trailer,
7 or semitrailer used primarily in the business of transporting
8 property.

9 SECTION 3. (a) The change in law made by this Act applies
10 only to an offense committed on or after the effective date of this
11 Act. For purposes of this section, an offense is committed before
12 the effective date of this Act if any element of the offense occurs
13 before that date.

14 (b) An offense committed before the effective date of this
15 Act is governed by the law in effect when the offense was committed,
16 and the former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 754 was passed by the House on April 14, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 754 on May 26, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 754 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor