

1-1 By: Gattis, Rose H.B. No. 754
1-2 (Senate Sponsor - Fraser)
1-3 (In the Senate - Received from the House April 18, 2005;
1-4 April 19, 2005, read first time and referred to Committee on
1-5 Transportation and Homeland Security; May 13, 2005, reported
1-6 adversely, with favorable Committee Substitute by the following
1-7 vote: Yeas 7, Nays 0; May 13, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 754 By: Brimer

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to transportation of loose materials.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 725.003(a) and (c), Transportation
1-14 Code, are amended to read as follows:

1-15 (a) A person or the person's agent or employee may not [~~load~~
1-16 ~~or~~] transport loose material, aggregates, or refuse in violation of
1-17 this chapter.

1-18 (c) An offense under this section is a misdemeanor
1-19 punishable by a fine of [+

1-20 [~~(1)~~] not less than \$25 or more than [~~\$200 for a first~~
1-21 ~~conviction; and~~

1-22 [~~(2) not less than \$200 or more than~~] \$500 [~~for a~~
1-23 ~~second or subsequent conviction~~].

1-24 SECTION 2. Section 725.021, Transportation Code, is amended
1-25 by amending Subsection (c) and adding Subsection (e) to read as
1-26 follows:

1-27 (c) Except as provided by Subsection (e), the [The] load
1-28 shall be covered and the covering firmly secured at the front and
1-29 back, unless the load:

1-30 (1) is completely enclosed by the load-carrying
1-31 compartment; or

1-32 (2) does not blow or spill over the top of the
1-33 load-carrying compartment.

1-34 (e) If the vehicle is a commercial motor vehicle
1-35 transporting aggregates, as defined by Section 133.003, Natural
1-36 Resources Code, or refuse, the load shall be covered and the
1-37 covering firmly secured at the front and back or shall be completely
1-38 enclosed by the load-carrying compartment. For purposes of this
1-39 section, "commercial motor vehicle" means a motor vehicle, trailer,
1-40 or semitrailer used primarily in the business of transporting
1-41 property.

1-42 SECTION 3. (a) The change in law made by this Act applies
1-43 only to an offense committed on or after the effective date of this
1-44 Act. For purposes of this section, an offense is committed before
1-45 the effective date of this Act if any element of the offense occurs
1-46 before that date.

1-47 (b) An offense committed before the effective date of this
1-48 Act is governed by the law in effect when the offense was committed,
1-49 and the former law is continued in effect for that purpose.

1-50 SECTION 4. This Act takes effect September 1, 2005.

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