

AN ACT

relating to the enforcement of certain standards for commercial motor vehicles.

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

SECTION 1. Section 621.001, Transportation Code, is amended by adding Subdivision (12) to read as follows:

(12) "Port of entry" means a place designated by executive order of the president of the United States, by order of the United States secretary of the treasury, or by act of the United States Congress at which a customs officer is authorized to accept entries of merchandise, collect duties, and enforce customs and navigation laws. The term includes a publicly owned or privately owned international port of entry between this state and the United Mexican States.

SECTION 2. Subsection (c), Section 621.101, Transportation Code, is amended to read as follows:

(c) This section does not:

(1) authorize size or weight limits on the national system of interstate and defense highways in this state greater than those permitted under 23 U.S.C. Section 127, as amended; ~~or~~

(2) prohibit the operation of a vehicle or combination of vehicles that could be lawfully operated on a highway or road of this state on December 16, 1974; or

(3) apply to a vehicle or combination of vehicles that

1 operates exclusively:

2 (A) at a private port of entry;

3 (B) on private roads associated with the port of
4 entry; and

5 (C) across a public highway between private roads
6 associated with the port of entry under a contract under Section
7 623.052.

8 SECTION 3. Subsection (b), Section 621.408, Transportation
9 Code, is amended to read as follows:

10 (b) If a noncommissioned employee weighs a vehicle under
11 Section 621.402 and determines that an enforcement action, such as
12 the issuance of a citation, is warranted, the employee may take
13 enforcement action only if the employee is under the supervision of
14 an officer of the Department of Public Safety [~~only a supervising~~
15 ~~officer may take the action~~].

16 SECTION 4. Section 644.001, Transportation Code, is amended
17 by adding Subdivision (7) to read as follows:

18 (7) "Port of entry" has the meaning assigned by
19 Section 621.001.

20 SECTION 5. Subsection (d), Section 644.103, Transportation
21 Code, is amended to read as follows:

22 (d) A noncommissioned employee of the department who is
23 certified for the purpose by the director and who is supervised by
24 an officer of the department may, at a fixed-site facility, stop,
25 enter, or detain a motor vehicle that is subject to this chapter.
26 If the employee's inspection shows that an enforcement action, such
27 as the issuance of a citation, is warranted for a violation of this

1 title or a rule adopted under this title, including a federal safety
2 regulation adopted under this chapter, the noncommissioned
3 employee may take enforcement action only if the employee is under
4 the supervision of an officer of the department.

5 SECTION 6. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 619 passed the Senate on
April 14, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 619 passed the House on
May 20, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor