

1-1 By: Staples S.B. No. 619
1-2 (In the Senate - Filed February 21, 2005; March 1, 2005,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 7, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 619 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the enforcement of certain standards for commercial
1-11 motor vehicles.

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

1-13 SECTION 1. Section 621.001, Transportation Code, is amended
1-14 by adding Subdivision (12) to read as follows:

1-15 (12) "Port of entry" means a place designated by
1-16 executive order of the president of the United States, by order of
1-17 the United States secretary of the treasury, or by act of the United
1-18 States Congress at which a customs officer is authorized to accept
1-19 entries of merchandise, collect duties, and enforce customs and
1-20 navigation laws. The term includes a publicly owned or privately
1-21 owned international port of entry between this state and the United
1-22 Mexican States.

1-23 SECTION 2. Subsection (c), Section 621.101, Transportation
1-24 Code, is amended to read as follows:

1-25 (c) This section does not:

1-26 (1) authorize size or weight limits on the national
1-27 system of interstate and defense highways in this state greater
1-28 than those permitted under 23 U.S.C. Section 127, as amended; ~~or~~

1-29 (2) prohibit the operation of a vehicle or combination
1-30 of vehicles that could be lawfully operated on a highway or road of
1-31 this state on December 16, 1974; or

1-32 (3) apply to a vehicle or combination of vehicles that
1-33 operates exclusively:

1-34 (A) at a private port of entry;

1-35 (B) on private roads associated with the port of
1-36 entry; and

1-37 (C) across a public highway between private roads
1-38 associated with the port of entry under a contract under Section
1-39 623.052.

1-40 SECTION 3. Subsection (b), Section 621.408, Transportation
1-41 Code, is amended to read as follows:

1-42 (b) If a noncommissioned employee weighs a vehicle under
1-43 Section 621.402 and determines that an enforcement action, such as
1-44 the issuance of a citation, is warranted, the employee may take
1-45 enforcement action only if the employee is under the supervision of
1-46 an officer of the Department of Public Safety ~~[only a supervising~~
1-47 officer may take the action].

1-48 SECTION 4. Section 644.001, Transportation Code, is amended
1-49 by adding Subdivision (7) to read as follows:

1-50 (7) "Port of entry" has the meaning assigned by
1-51 Section 621.001.

1-52 SECTION 5. Subsection (d), Section 644.103, Transportation
1-53 Code, is amended to read as follows:

1-54 (d) A noncommissioned employee of the department who is
1-55 certified for the purpose by the director and who is supervised by
1-56 an officer of the department may, at a fixed-site facility, stop,
1-57 enter, or detain a motor vehicle that is subject to this chapter.
1-58 If the employee's inspection shows that an enforcement action, such
1-59 as the issuance of a citation, is warranted for a violation of this
1-60 title or a rule adopted under this title, including a federal safety
1-61 regulation adopted under this chapter, the noncommissioned
1-62 employee may take enforcement action only if the employee is under
1-63 the supervision of an officer of the department.

2-1 SECTION 6. This Act takes effect September 1, 2005.

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