

BILL ANALYSIS

H.B. 565
By: Driver
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Department of Public Safety (DPS) has primary responsibility for enforcing the Federal Motor Carrier Safety Act and other laws and regulations involving hazardous material shipments, commercial driver licensing and insurance, size, weight, and registration and operating authority of commercial vehicles.

Under current law, DPS can allow a noncommissioned DPS employee, who is certified for the purpose and supervised by a commissioned DPS officer, to perform duties related to weighing or inspecting commercial vehicles at ports of entry or at fixed-site facilities.

As proposed, H.B. 565 would expand this authorization to apply to any commercial motor vehicle inspection site.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 565 amends Section 621, Transportation Code to authorize a noncommissioned employee of the Department of Public Safety, who is certified for the purpose and supervised by a Department of Public Safety officer, to perform duties related to weighing a commercial motor vehicle at a commercial motor vehicle inspection site.

The bill also amends Section 644, Transportation Code to authorize a noncommissioned employee of the Department of Public Safety who is certified for the purpose and supervised by a Department of Public Safety officer to, at a commercial motor vehicle inspection site, stop, enter, or detain a motor vehicle that is subject to this chapter. It authorizes a noncommissioned employee supervised by a Department of Public Safety officer to take enforcement action if the employee's inspection shows that an enforcement action is warranted for a violation of this title or a rule adopted under this title, including a federal safety regulation.

EFFECTIVE DATE

Upon passage, or, if the act does not receive the necessary vote, the Act takes effect September 1, 2007.