

BILL ANALYSIS

H.B. 1765
By: Driver
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current federal law allows the Federal Motor Carrier Safety Administration (FMCSA) to prohibit a motor carrier from operating in interstate commerce if a state has prohibited that same motor carrier from operating in intrastate commerce due to the carrier being determined to be unfit as a result of unsatisfactory safety practices.

As proposed, HB 1765 allows Texas to prohibit intrastate operation if the carrier is placed out-of-service by the FMCSA for interstate operations due to unsatisfactory safety practices.

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. 1765 amends Section 522.072, Transportation Code, to prohibit an employer from knowingly permitting a person to operate a commercial motor vehicle during a period in which the employer is subject to an out-of-service order that affects the driver or the vehicle. The bill makes it a Class B misdemeanor to violate this provision or the provision in current law that an employer may not knowingly require a driver to operate a commercial motor vehicle in violation of a federal, state, or local law that regulates the operation of a motor vehicle at a railroad grade crossing. The bill provides that for purposes of certain provisions in this section, "commercial motor vehicle" has the meaning assigned by Section 644.001, Transportation Code. The change in law made by this Act only applies to an offense committed on or after the effective date of the Act.

EFFECTIVE DATE

September 1, 2007.