

By: Driver

H.B. No. 565

A BILL TO BE ENTITLED

1 AN ACT

2 relating to enforcement of certain vehicle weight and safety  
3 requirements by a noncommissioned employee of the Department of  
4 Public Safety.

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

6 SECTION 1. Section 621.402(c), Transportation Code, is  
7 amended to read as follows:

8 (c) A noncommissioned employee of the Department of Public  
9 Safety who is certified for the purpose by the public safety  
10 director and who is supervised by an officer of the Department of  
11 Public Safety may, in a port of entry or at a commercial motor  
12 vehicle inspection site [~~fixed-site facility~~], weigh a vehicle,  
13 require the vehicle to be weighed, or require a vehicle to be driven  
14 to the nearest scale under Subsections (a) and (b).

15 SECTION 2. Section 644.103(d), Transportation Code, is  
16 amended to read as follows:

17 (d) A noncommissioned employee of the department who is  
18 certified for the purpose by the director and who is supervised by  
19 an officer of the department may, at a commercial motor vehicle  
20 inspection site [~~fixed-site facility~~], stop, enter, or detain a  
21 motor vehicle that is subject to this chapter. If the employee's  
22 inspection shows that an enforcement action, such as the issuance  
23 of a citation, is warranted for a violation of this title or a rule  
24 adopted under this title, including a federal safety regulation

1 adopted under this chapter, the noncommissioned employee may take  
2 enforcement action only if the employee is under the supervision of  
3 an officer of the department.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.