

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.