

1-1 By: Carona S.B. No. 330
1-2 (In the Senate - Filed January 26, 2007; February 14, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; February 26, 2007, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; February 26, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to enforcement of certain vehicle weight and safety
1-10 requirements by a noncommissioned employee of the Department of
1-11 Public Safety of the State of Texas.

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

1-13 SECTION 1. Subsection (c), Section 621.402, Transportation
1-14 Code, is amended to read as follows:

1-15 (c) A noncommissioned employee of the Department of Public
1-16 Safety who is certified for the purpose by the public safety
1-17 director and who is supervised by an officer of the Department of
1-18 Public Safety may, in a port of entry or at a commercial motor
1-19 vehicle inspection site [~~fixed-site facility~~], weigh a vehicle,
1-20 require the vehicle to be weighed, or require a vehicle to be driven
1-21 to the nearest scale under Subsections (a) and (b).

1-22 SECTION 2. Subsection (d), Section 644.103, Transportation
1-23 Code, is amended to read as follows:

1-24 (d) A noncommissioned employee of the department who is
1-25 certified for the purpose by the director and who is supervised by
1-26 an officer of the department may, at a commercial motor vehicle
1-27 inspection site [~~fixed-site facility~~], stop, enter, or detain a
1-28 motor vehicle that is subject to this chapter. If the employee's
1-29 inspection shows that an enforcement action, such as the issuance
1-30 of a citation, is warranted for a violation of this title or a rule
1-31 adopted under this title, including a federal safety regulation
1-32 adopted under this chapter, the noncommissioned employee may take
1-33 enforcement action only if the employee is under the supervision of
1-34 an officer of the department.

1-35 SECTION 3. This Act takes effect immediately if it receives
1-36 a vote of two-thirds of all the members elected to each house, as
1-37 provided by Section 39, Article III, Texas Constitution. If this
1-38 Act does not receive the vote necessary for immediate effect, this
1-39 Act takes effect September 1, 2007.

1-40 * * * * *