

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 22, 2007

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1638 by Taylor (Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.), **As Passed 2nd House**

While the overall fiscal impact to state costs is not expected to be significant, the enactment of the bill could result in a loss of federal highway fund revenue to the state in an amount of approximately \$8.1 million in fiscal year 2008 and in each subsequent fiscal year.

The bill would amend Section 644.101, Transportation Code, to add to those municipalities in which a police officer is eligible to apply for certification to enforce commercial motor vehicle safety standards, a municipality with a population of less than 5,000 that is located adjacent to a bay connected to the Gulf of Mexico and in a county adjacent to a county with a population greater than 3.3 million. Based on the 2000 U.S. Census, the provisions of the bill would apply to several small municipalities located in Brazoria, Chambers, and Galveston counties.

The bill would amend Section 644.103, Transportation Code, to prohibit the issuance of a citation for a commercial motor vehicle safety violation to the same vehicle operator more than once on the same calendar day. A person who detains an operator for a violation would be required to provide the vehicle operator with a written statement on a form adopted by the Department of Public Safety (DPS), stating that the operator has already been detained and inspected, when that occurred, and what was found. A person who stops a commercial motor vehicle would not be allowed to detain the operator or require the vehicle to be inspected if the operator displays a written statement that indicates the vehicle was detained and inspected within 15 days preceding the date of the stop.

DPS reports that passage of the proposed amendment to Section 644.103 would result in the state being in violation of Title 49, Code of Federal Regulations (CFR) 350.201g, regarding the Federal Motor Carrier Safety Regulation (FMCSR) program. Title 49, CFR 350.335, provides that a state that currently has compatible commercial motor vehicle laws and regulations, but enacts a law or regulation that would result in an incompatible rule, would not be eligible for Basic Program Funds or Incentive Funds. FMCSR Basic funding for Texas in fiscal year 2008 will be more than \$7.3 million, and Incentive funding will be \$777,029. Total loss to the state would be \$8.1 million in fiscal year 2008, and in each subsequent fiscal year.

Local Government Impact

Municipalities affected by the proposed change to Section 644.102 would be responsible for costs associated with officers attending training to become certified.

Local law enforcement agencies could experience a loss in revenue from not issuing a citation that might otherwise have been issued; however, that amount is unknown.

No significant fiscal impact to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DB