

BILL ANALYSIS

C.S.H.B. 3550
By: Fletcher
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some motor carrier companies do not exercise due diligence to prevent commercial vehicles in their possession from being used illegally to smuggle drugs into Texas and beyond. Others choose to ignore vehicle weight limitations to increase profits. C.S.H.B. 3550 seeks to improve motor carrier accountability and protect the public and Texas highways by imposing a law enforcement fee for certain offenses, violations, and disqualifications related to commercial motor vehicles. The legislation also addresses weight limits on a vehicle loaded with certain agricultural products.

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

C.S.H.B. 3550 amends the Transportation Code to establish certain law enforcement fees and require the fees to be remitted to the comptroller of public accounts for deposit in the general revenue fund to be appropriated only for law enforcement purposes. The bill requires the Department of Public Safety to assess a law enforcement fee in the amount of \$2,000 against a person who holds a commercial driver's license and is disqualified from driving a commercial motor vehicle for the following: using a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance; or using a motor vehicle in the commission of an offense under federal law that involves the transportation, concealment, or harboring of an alien.

C.S.H.B. 3550 requires a court to assess a law enforcement fee in the amount of \$500 against a person who commits a misdemeanor offense of operating or loading an overweight vehicle, in addition to any fine assessed for such an offense. The bill requires the Texas Department of Transportation (TxDOT), if TxDOT imposes an administrative penalty on a shipper who provides false information on a shipper's certificate of weight that the shipper delivers to a person transporting a shipment, to assess a law enforcement fee in the amount of \$500 against the shipper.

C.S.H.B. 3550, in provisions establishing an affirmative defense for operating a vehicle over the maximum allowable axle weight, establishes an affirmative defense to prosecution of, or an enforcement action for, the offense of operating a vehicle with a gross weight heavier than the gross weight authorized by law that at the time of the offense the vehicle had a gross weight that was not heavier than the gross weight authorized by law plus 15 percent; was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are in their natural state and being transported from the place of production to the place of first marketing or first processing; and was not being operated on a portion of the national system of interstate and defense highways.

C.S.H.B. 3550 repeals Sections 621.503(b) and (c), Transportation Code, relating to the prohibition of loading more than the weight limitation.

C.S.H.B. 3550 makes conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3550 omits a provision included in the original subjecting a person to a law enforcement fee on conviction of the misdemeanor offense of loading a vehicle or causing a vehicle to be loaded in violation of the weight limitation.

C.S.H.B. 3550 differs from the original by establishing a law enforcement fee in provisions relating to disqualification from driving a commercial motor vehicle for certain offenses, the offense of operating or loading an overweight vehicle, and the administrative penalty for false information on a shipper's certificate, whereas the original establishes a law enforcement fee for those offenses in provisions relating to offenses and penalties for vehicle size and weight.

C.S.H.B. 3550 contains provisions not included in the original relating to an affirmative defense for operating a vehicle over the maximum allowable gross weight.

C.S.H.B. 3550 differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions.