

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 2

May 3, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

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

IN RE: HB3550 by Fletcher (Relating to imposing a law enforcement fee for certain offenses, violations, and disqualifications related to commercial motor vehicles and to weight limits on a vehicle loaded with certain agricultural products.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined because the number of violations adjudicated and collection rates for these offenses is not known.

The bill would amend the Transportation Code to create the Law Enforcement Fee. A \$2,000 fee would be assessed on persons holding a commercial driver's license who are disqualified from driving a commercial vehicle if they knowingly use a motor vehicle in the commission of a felony or with intent to manufacture, distribute, or dispense a controlled substance or for the transportation, concealment, or harboring of an alien.

The bill would require the assessment of a law enforcement fee of \$500, in addition to other fines currently assessed, for certain misdemeanor offenses relating to the weight of a vehicle operated on public highways and on any shipper that receives an administrative penalty for providing false information on a certificate of weight.

The bill would require the Comptroller of Public Accounts (CPA) to deposit revenue collected from the law enforcement fee to the General Revenue Fund to be used for law enforcement purposes.

The bill would create an affirmative defense to prosecution for operating a vehicle over the maximum allowable gross weight if the vehicle was not more than 15 percent over the applicable gross weight, loaded with certain agricultural products, or not being operated on the national interstate and defense highway system.

The bill would repeal Sections 621.503(b) and (c), Transportation Code, which set forth that intent to violate weight limitations for the operation of a vehicle on a public highway is presumed if the vehicle is over the applicable gross or axle weight limitation by 15 percent or more and provides that the prohibition of loading a vehicle for operation on a public highway that exceeds weight limitations does not apply to agricultural or forestry commodities while they are in their natural state.

The CPA reported that the number of violations adjudicated and collection rates for these offenses is not known; therefore, any fiscal impact cannot be determined.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, JI, MM, JJO