

BILL ANALYSIS

H.B. 3523
By: Lewis
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas' recent economic development has resulted in a dramatic increase in commercial vehicles operating on Texas roadways. Unfortunately, this has also led to an increase in commercial drivers operating commercial vehicles without a valid license as well as an increase in both fatal and general traffic accidents. According to the Texas Department of Transportation, in a recent calendar year, more than 8,000 crashes occurred, including around 130 crashes involving a fatality in which a commercial motor vehicle driver did not possess a commercial driver's license or endorsement. Currently, the penalty for operating a commercial motor vehicle without a commercial driver's license is a Class C misdemeanor, which carries a maximum \$500 fine, with no enhancement for subsequent convictions. H.B. 3523 seeks to provide for an increase in the penalty to a misdemeanor with a maximum \$1,000 fine and to provide for penalty enhancement for a subsequent conviction.

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

H.B. 3523 amends the Transportation Code to change the penalty for the offense of driving a commercial motor vehicle without a commercial driver's license or commercial driver learner's permit from a Class C misdemeanor to a fine-only misdemeanor punishable by a maximum \$1,000 fine and to enhance the penalty for this offense to a Class B misdemeanor if it is shown at trial that the defendant was convicted of such an offense in the year preceding the date of the offense that is the subject of the trial.

EFFECTIVE DATE

September 1, 2013.