

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 21, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3523** by Lewis (Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license.), **As Passed 2nd House**

An indeterminate amount of revenue is anticipated as the result of the provisions of the bill.
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The bill would amend the Transportation Code to elevate the punishment for operating a commercial motor vehicle without a commercial driver's license from a Class C misdemeanor to a Class B misdemeanor in the event that the defendant had been convicted of the same offense within the previous year. A Class C misdemeanor is punishable by a fine of not more than \$500. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

The bill would also amend the Transportation Code and the Code of Criminal Procedure to revise the definitions of "commercial learner's" and "commercial driver's" licenses to be in compliance with rules and regulations of the Federal Motor Carrier Safety Administration. The bill would change the reference of "nonresident" license holder or learner's permit holder to "nondomiciled" license holder or learner's permit holder.

The bill would establish a \$24 fee for commercial learner's permits and would add penalties for violations in the use of a commercial learner's permit. The bill would also add a \$60 fee for the administration of a skills test to a non-domiciled person seeking a commercial driver license. The bill would authorize courts to assess a defendant an administrative fee not to exceed \$10 if a charge pertaining to a defendant's possession of a proper commercial driver's permit or license is dismissed.

Presumably the provisions of the bill would positively impact state revenues. However, the Comptroller has noted that because the information upon which to base an estimate of the number of persons who would apply for a commercial learner's permit is not available, the fiscal impact of the bill is indeterminate. Similarly, the Office of Court Administration has noted that it is not possible to provide an estimate of the revenue which may be generated from the administrative fee for the following reasons: the administrative fee amount is variable; the administrative fee is permissive; and the number of persons who will use the defense is unknown.

It is assumed the costs associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect January 1, 2014, except as otherwise provided.

**Local Government Impact**

The bill would allow courts to collect a fee not to exceed \$10 from a defendant who has a charge pertaining to the defendant's possession of a commercial permit or license dismissed. Because the fee level is indeterminate, and the number of individuals obtaining such dismissals is unknown, the local fiscal impact of the bill is indeterminate.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** UP, AG, KKR, ESi, AI, JAW