

## **BILL ANALYSIS**

C.S.H.B. 823  
By: Wu  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Given the reasoning that monetary fines have both deterrent and retributive effects, interested parties contend that it is important that federal motor carrier safety regulation violations carry fines of a sufficient amount. Fines that appear to be insignificant will likely prove to be ineffective in deterring violations or punishing violators. For this reason, the parties assert that certain violations should carry harsher penalties. C.S.H.B. 823 seeks to remedy this situation by revising provisions relating to commercial motor vehicle safety standards.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 823 amends the Transportation Code to establish a \$150 minimum fine and a \$500 maximum fine for a Class C misdemeanor in violation of commercial motor vehicle safety standards relating to brakes, tires, or load securement if the offense involves a violation of specified federal commercial motor carrier safety regulations as the regulations existed on April 1, 2014.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 823 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 644.151, Transportation Code, is amended by amending Subsection (b) and adding	SECTION 1. Section 644.151, Transportation Code, is amended by amending Subsection (b) and adding

84R 20972

15.92.1420

Substitute Document Number: 84R 10743

Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), an [An] offense under this section is a Class C misdemeanor.

(d) An offense under this section relating to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500 if the offense involves a violation of:

(1) 49 C.F.R. Section 392.7 or 392.9, as those regulations existed on April 1, 2014;

(2) a regulation under 49 C.F.R. Part 393, Subpart C, as that regulation existed on April 1, 2014;

(3) 49 C.F.R. Section 393.75, as that regulation existed on April 1, 2014; or

(4) a regulation under 49 C.F.R. Part 393, Subpart I, as that regulation existed on April 1, 2014.

SECTION 2. An offense under Section 644.151, Transportation Code, as amended by this Act, committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2015.

Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), an [An] offense under this section is a Class C misdemeanor.

(d) An offense under this section relating to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500 if the offense involves a violation of:

(1) a regulation under 49 C.F.R. Part 393, Subpart C, as that regulation existed on April 1, 2014;

(2) 49 C.F.R. Section 393.75, as that regulation existed on April 1, 2014; or

(3) a regulation under 49 C.F.R. Part 393, Subpart I, as that regulation existed on April 1, 2014.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.