

By: Wu

H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

relating to criminal liability for certain federal motor carrier safety regulation violations; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 644.151, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (d) to read as follows:

(a) A person commits an offense if the person:

(1) violates a rule adopted under this chapter; ~~[or]~~

(2) does not permit an inspection authorized under Section 644.104; or

(3) knowingly operates a commercial motor vehicle in violation of 49 C.F.R. Section 385.13 or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of 49 C.F.R. Section 385.13.

(b) Except as provided by Subsection (d), an ~~[An]~~ offense under Subsection (a)(1) or (2) ~~[this section]~~ is a Class C misdemeanor.

(b-1) An offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury; or

1           (2) a felony of the second degree if it is shown on the  
2 trial of the offense that at the time of the offense the commercial  
3 motor vehicle was involved in a motor vehicle accident that  
4 resulted in the death of a person.

5           (d) An offense under Subsection (a)(1) or (2) relating to  
6 brakes, tires, or load securement is a Class C misdemeanor  
7 punishable by a fine of not less than \$150 or more than \$500 if the  
8 offense involves a violation of:

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

11           (2) 49 C.F.R. Section 393.75, as that regulation  
12 existed on April 1, 2014; or

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

15           SECTION 2. An offense under Section [644.151](#), Transportation  
16 Code, as amended by this Act, committed before the effective date of  
17 this Act is governed by the law in effect when the offense was  
18 committed, and the former law is continued in effect for that  
19 purpose. For purposes of this section, an offense was committed  
20 before the effective date of this Act if any element of the offense  
21 occurred before that date.

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