

BILL ANALYSIS

C.S.H.B. 644
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised concerns over safety issues that arise when adherence to regulations for commercial motor vehicles is lax. C.S.H.B. 644 seeks to address these concerns by creating an offense for knowingly operating such a vehicle in violation of certain federal regulations.

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. 644 amends the Transportation Code to create a Class A misdemeanor offense for a person who knowingly operates, owns, leases, or assigns a person to drive a commercial motor vehicle in violation of an out-of-service order issued under certain federal regulations. The bill enhances the penalty for such an offense to a state jail felony or a second degree 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 a person's death, respectively.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 644 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 Subsections (a) and (b) and | SECTION 1. Section 644.151, Transportation Code, is amended by amending Subsections (a) and (b) and |

85R 23534

17.107.191

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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, as that regulation existed on September 1, 2016, 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, as that regulation existed on September 1, 2016.

(b) Except as provided by Subsection (d), an ~~A~~ 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

(2) a felony of the second degree 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 the death of a person.

(d) An offense under Subsection (a)(1) or (2) 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 September 1, 2016;

(2) 49 C.F.R. Section 393.75, as that regulation existed on September 1, 2016; or

(3) a regulation under 49 C.F.R. Part 393, Subpart I, as that regulation existed on September 1, 2016.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the

adding Subsection (b-1) 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 an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1) or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of an out-of-service order issued under 49 C.F.R. Section 385.13(d)(1).

(b) 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

(2) a felony of the second degree 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 the death of a person.

No equivalent provision.

law in effect on the date 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, 2017.

SECTION 2. Same as introduced version.