

By: Phillips

H.B. No. 644

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to criminal liability for certain federal motor carrier  
3 safety regulation violations; creating a criminal offense;  
4 increasing a criminal penalty.

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

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

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

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

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

13 (3) knowingly operates a commercial motor vehicle in  
14 violation of 49 C.F.R. Section 385.13, as that regulation existed  
15 on September 1, 2016, or owns, leases, or assigns a person to drive  
16 a commercial motor vehicle that is knowingly operated in violation  
17 of 49 C.F.R. Section 385.13, as that regulation existed on  
18 September 1, 2016.

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

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

24 (1) a state jail felony if it is shown on the trial of

1 the offense that at the time of the offense the commercial motor  
2 vehicle was involved in a motor vehicle accident that resulted in  
3 bodily injury; or

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

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

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

14 (2) 49 C.F.R. Section 393.75, as that regulation  
15 existed on September 1, 2016; or

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

18 SECTION 2. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect on the date the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

26 SECTION 3. This Act takes effect September 1, 2017.