86R13757 JXC-D

By:  Phelan H.B. No. 4064

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of commercial motor vehicle safety standards in certain municipalities and counties.

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

SECTION 1.  Section 644.101(b), Transportation Code, as amended by Chapters 138 (H.B. 1355), 142 (H.B. 1570), and 324 (S.B. 1488), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  A police officer of any of the following municipalities is eligible to apply for certification under this section:

(1)  a municipality with a population of 50,000 or more;

(2)  a municipality with a population of 25,000 or more any part of which is located in a county with a population of 500,000 or more;

(3)  a municipality with a population of less than 25,000:

(A)  any part of which is located in a county with a population of 3.3 million; and

(B)  that contains or is adjacent to an international port;

(4)  a municipality with a population of at least 34,000 that is located in a county that borders two or more states;

(5)  a municipality any part of which is located in a county bordering the United Mexican States;

(6)  a municipality with a population of less than 5,000 that is located:

(A)  adjacent to a bay connected to the Gulf of Mexico; and

(B)  in a county adjacent to a county with a population greater than 3.3 million;

(7)  a municipality that is located:

(A)  within 25 miles of an international port; and

(B)  in a county that does not contain a highway that is part of the national system of interstate and defense highways and is adjacent to a county with a population greater than 3.3 million;

(8)  a municipality with a population of less than 8,500 that:

(A)  is the county seat; and

(B)  contains a highway that is part of the national system of interstate and defense highways;

(9)  a municipality located in a county with a population between 60,000 and 66,000 adjacent to a bay connected to the Gulf of Mexico;

(10)  a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico; [~~or~~]

(11)  a municipality with a population between 18,000 and 18,500 that is located entirely in a county that:

(A)  has a population of less than 200,000;

(B)  is adjacent to two counties that each have a population of more than 1.2 million; and

(C)  contains two highways that are part of the national system of interstate and defense highways;

(12) [~~(11)~~]  a municipality with a population of more than 3,000 and less than 10,000 that:

(A)  contains a highway that is part of the national system of interstate and defense highways; and

(B)  is located in a county with a population between 150,000 and 155,000; or

(13)  a municipality located in a county described by Subsection (c)(3).

SECTION 2.  Section 644.101(c), Transportation Code, is amended to read as follows:

(c)  A sheriff or a deputy sheriff of any of the following counties [~~a county bordering the United Mexican States or of a county with a population of 700,000 or more~~] is eligible to apply for certification under this section:

(1)  a county bordering the United Mexican States;

(2)  a county with a population of 700,000 or more; or

(3)  a county with a population of less than 100,000 that borders the State of Louisiana and the Gulf Intracoastal Waterway.

SECTION 3.  Sections 644.102(f) and (f-1), Transportation Code, are amended to read as follows:

(f)  A municipality or county shall send to the comptroller the proceeds of all fines that exceed the limit imposed by Subsection (d) or (e). The comptroller shall then deposit the remaining funds to the credit of:

(1)  the state highway fund if collected in a county described by Section 644.101(c)(3); or

(2)  the Texas Department of Transportation if collected in another county.

(f-1)  A municipality or county that retains a fine from the enforcement of this chapter shall annually file with the comptroller a report that details the amount of fines retained from the enforcement of this chapter and the actual expenses claimed by the municipality or county for the enforcement of this chapter during the previous fiscal year. A municipality or county that fails to file a report as required by this subsection shall send an amount equal to the amount retained by the municipality or county in the fiscal year the report would cover to the comptroller for deposit to the credit of:

(1)  the state highway fund if collected in a county described by Section 644.101(c)(3); or

(2)  the Texas Department of Transportation if collected in another county [~~an amount equal to the amount retained by the municipality or county in the fiscal year the report would cover~~].

SECTION 4.  The changes in law made by this Act apply only to a fine collected on or after the effective date of this Act.

SECTION 5.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.  This Act takes effect September 1, 2019.