

By: Phelan

H.B. No. 4064

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enforcement of commercial motor vehicle safety
3 standards in certain municipalities and counties.

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

5 SECTION 1. Section 644.101(b), Transportation Code, as
6 amended by Chapters 138 (H.B. 1355), 142 (H.B. 1570), and 324 (S.B.
7 1488), Acts of the 85th Legislature, Regular Session, 2017, is
8 reenacted and amended to read as follows:

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

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

13 (2) a municipality with a population of 25,000 or more
14 any part of which is located in a county with a population of
15 500,000 or more;

16 (3) a municipality with a population of less than
17 25,000:

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

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

22 (4) a municipality with a population of at least
23 34,000 that is located in a county that borders two or more states;

24 (5) a municipality any part of which is located in a

1 county bordering the United Mexican States;

2 (6) a municipality with a population of less than
3 5,000 that is located:

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

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

8 (7) a municipality that is located:

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

10 (B) in a county that does not contain a highway
11 that is part of the national system of interstate and defense
12 highways and is adjacent to a county with a population greater than
13 3.3 million;

14 (8) a municipality with a population of less than
15 8,500 that:

16 (A) is the county seat; and

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

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

22 (10) a municipality with a population of more than
23 40,000 and less than 50,000 that is located in a county with a
24 population of more than 285,000 and less than 300,000 that borders
25 the Gulf of Mexico; [~~or~~]

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

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

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

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

6 (12) [~~(11)~~] a municipality with a population of more
7 than 3,000 and less than 10,000 that:

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

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

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

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

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

20 (1) a county bordering the United Mexican States;

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

22 (3) a county with a population of less than 100,000

23 that borders the State of Louisiana and the Gulf Intracoastal
24 Waterway.

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

27 (f) A municipality or county shall send to the comptroller

1 the proceeds of all fines that exceed the limit imposed by
2 Subsection (d) or (e). The comptroller shall then deposit the
3 remaining funds to the credit of:

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

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

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

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

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

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

26 SECTION 5. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

H.B. No. 4064

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

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