By:  Toth H.B. No. 1096

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Section 644.101, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c-1) to read as follows:

(a)  The department shall establish procedures, including training, for the certification of municipal police officers, sheriffs, [~~and~~] deputy sheriffs, constables, and deputy constables to enforce this chapter.

(c-1)  A constable or deputy constable of a county described by this subsection is eligible to apply for certification under this section. This subsection applies only to a constable or deputy constable of a county:

(1)  that is adjacent to a county with a population of 3.3 million or more; and

(2)  in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development Act of 1970 (42 U.S.C. Section 4501 et seq.), and that is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property.

SECTION 2.  Section 644.101(c), Transportation Code, as amended by Chapters 169 (H.B. 917) and 478 (H.B. 511), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(c)  A sheriff or a deputy sheriff of any of the following counties is eligible to apply for certification under this section:

(1)  a county bordering the United Mexican States;

(2)  a county with a population of less than 1,000, part of which is located within 75 miles of an international border; [~~or~~]

(3) [~~(2)~~]  a county with a population of 700,000 or more; [~~or~~]

(4) [~~(3)~~]  a county with a population of 400,000 or more that borders the county in which the State Capitol is located; or

(5)  a county described by Subsection (c-1).

SECTION 3.  Section 644.103(b), Transportation Code, is amended to read as follows:

(b)  A municipal police officer who is certified under Section 644.101 may stop, enter, or detain on a highway or at a port of entry within the territory of the municipality a motor vehicle that is subject to this chapter. A sheriff, [~~or~~] deputy sheriff, constable, or deputy constable who is certified under Section 644.101 may stop, enter, or detain on a highway or at a port of entry within the territory of the county a motor vehicle that is subject to this chapter.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.