

BILL ANALYSIS

Senate Research Center

H.B. 1672
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Public Safety of the State of Texas (DPS) conducts regular compliance review investigations of commercial motor carriers. As a result of investigative efforts, DPS assigns each carrier a final safety rating of either satisfactory, conditional or unsatisfactory. A motor carrier that has been administratively investigated and found to have inadequate safety controls is assigned an "unsatisfactory" safety rating.

The motor carrier is served with the final, "unsatisfactory" rating and has sixty days to take corrective action and provide DPS proof of compliance. If a carrier fails to comply and respond, they are contacted via mail and are afforded an additional ten days to respond and comply.

If DPS receives no response, an order to cease is signed and delivered to the Texas Department of Motor Vehicles (TxDMV) in the interest in protecting the public from the unsafe operations of the motor carrier. It is imperative that the carrier's inadequate operational status be entered into the "truck stop" (TxDMV's public data base) as soon as possible so that state troopers and certified Motor Carrier Safety Assistance Program (MCSAP) officers can take appropriate action when they come across the carrier's unsafe vehicles.

Presently, Government Code Section 2001.221 requires a period of due process appeal to TxDMV on the DPS-initiated order to cease. Over the past few decades, TxDMV has never received an appeal on this type of issue as they have no oversight of the compliance review program. DPS has oversight over the MCSAP program and affords every motor carrier a period of due process as required by statute and the Texas Administrative Code.

H.B. 1672 amends current law relating to the appeal of certain actions by the Texas Department of Motor Vehicles related to motor carriers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 1 (Section 643.2526, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 643.2526, Transportation Code, as follows:

Sec. 643.2526. New heading: APPEAL OF CERTAIN DEPARTMENT ACTIONS. (a) Provides that, notwithstanding any other law, a denial of an application for registration, renewal of registration, or reregistration under this chapter, or a revocation or suspension of a registration or placement on probation of a motor carrier requested under Section 643.252(b) (relating to authorizing the Department of Public Safety to request that the Texas Department of Motor Vehicles (TxDMV) suspend or revoke certain registrations or place on probation a motor carrier whose registration is suspended if a motor carrier has certain qualities), is not required to be preceded by notice and an opportunity for hearing.

(b) Authorizes an action described by Subsection (a) to be appealed to TxDMV not later than the 26th day after the date TxDMV issues notice of the action.

Deletes existing text authorizing an applicant to appeal a denial under Chapter 643 (Motor Carrier Registration) by filing an appeal with TxDMV not later than the 26th day after TxDMV issues notice of the denial to the applicant.

(c) Provides that if the appeal is successful, the application is considered to have been properly filed or the revocation, suspension, or probation is considered to have ended on the date the finding is entered. Deletes existing text requiring that the application, if the appeal of the denial is successful and the application is found to be compliant with this chapter, be considered to have been properly filed on the date the finding is entered.

(d) Requires TxDMV to adopt rules as necessary to implement this section, including rules governing the requirements and procedures under this section.

SECTION 2. Effective date: upon passage or September 1, 2025.