

SUBJECT: Impoundment of commercial motor vehicles for delinquent payments

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Alexander, Siebert, Y. Davis, Edwards, Hamric, Hawley, Hill,
Noriega, Uher

0 nays

WITNESSES: For — None

Against — None

On — Lester Mills, Department of Public Safety

DIGEST: CSHB 1818 would require persons subject to a penalty for violating commercial motor vehicle safety standards to pay the penalty or respond to the Texas Department of Public Safety within 20 days of receiving the violation notice. A person who failed to pay or became delinquent in paying would be prohibited from operating a commercial motor vehicle on Texas highways until payment was made.

DPS could impound any commercial motor vehicle owned or operated by a person not paying a penalty, after proper notice was served. A vehicle would remain impounded until penalties were paid.

CSHB 1818 would require DPS to establish uniform standards for municipal enforcement of commercial motor vehicle safety standards which municipalities would have to follow in any enforcement actions. The bill would require DPS to implement and enforce its commercial motor vehicle safety audit program for all persons owning or operating commercial motor vehicles registered in the state. Municipal police officers not complying with DPS regulations for enforcing safety standards could have their certification revoked.

The bill would take effect September 1, 1999.

SUPPORTERS
SAY:

The primary intent of the bill is to remove unsafe commercial vehicles from the road by giving DPS new enforcement tools. This is especially important as the volume of commercial vehicles, including vehicles from other nations, increases on Texas highways. Current law authorizes DPS to audit only commercial operators that do not operate outside the state at any time during the year. DPS needs the authority to audit all operators registered in the state since they all have an impact on the safety of Texas roads.

DPS currently has no legal authority to collect penalties or to enforce corrective actions for violations of commercial vehicle safety standards. At least 18 commercial vehicle operators have refused to pay delinquent penalties on more than 100 vehicles found in violation. The threat of impoundment would give them a greater incentive to repair unsafe vehicles and to pay delinquent fines.

Impoundment would be used only as an option of last resort. DPS would be required to follow its own administrative rules based on procedures established in the Transportation Code for notifying operators for safety violations. The rules would allow operators to request court hearings to review alleged violations and would give operators a minimum of 90 days from the initial notification to respond before DPS could impound the vehicle.

DPS could handle the additional responsibilities because the department already provides assistance to the U.S. Department of Transportation in its audits of commercial operators.

A uniform standard for safety inspections is needed for the state itself and for individual municipalities authorized to enforce safety ordinances. Municipalities should follow DPS rules to ensure that operators are subject to strict and consistent safety standards throughout the state. This section of the bill would affect only large urban counties, border counties, and other counties whose municipalities have explicit authority to enforce safety standards. Operators would be protected because local officers certified to conduct inspections would have to comply with DPS standards or lose certification.

OPPONENTS
SAY:

The bill would not require a minimum time between notification of a safety violation and the impoundment of a vehicle. Although the procedures for impoundment would follow DPS administrative rules, the rules could change

without input from commercial operators. Impoundment procedures should be established in statute to ensure that commercial operators have sufficient warning before their vehicles are subject to impoundment.

NOTES:

The committee substitute would require uniform standards for municipal enforcement of commercial motor vehicle safety standards and to require DPS to revoke the license of a municipal police officer who is certified to conduct inspections and who did not comply with uniform safety standards. The substitute added language to require DPS to implement and enforce its commercial motor vehicle safety audit program for all persons who own or operate a commercial motor vehicle registered in the state.

The companion bill, SB 1019 by Shapleigh, passed the Senate on March 30 and was reported favorably, without amendment, by the House Transportation Committee on May 10, making it eligible to be considered in lieu of HB 1818.