

- SUBJECT:** Allowing certain sheriffs to enforce commercial vehicle safety standards
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 6 ayes — B. Turner, Keel, Berman, Driver, Isett, P. King
- 0 nays
- 3 absent — Gutierrez, Hupp, Villarreal
- WITNESSES:** For — John Denholm, Harris County Sheriff’s Office; Sigifredo Gonzalez, Jr., Sheriffs Association of Texas; Gary Lindsey, Dallas County Sheriff’s Office; Steve Lyons, Houston Police Department; Rick Muse and Bob Powell, Denton County Sheriff’s Office; Rider Scott, Denton County; Larry Zacharias, City of Richardson
- Against — Les Findeisen, Texas Motor Transportation Association; Michael Stewart, Texas Aggregates and Concrete Association
- On — Ron Hickman; S.H. “Hal” Werlein, Justices of the Peace and Constable Association of Texas
- BACKGROUND:** Transportation Code, secs. 644.101 and 644.201 establish guidelines for municipal police officers to enforce commercial motor-vehicle safety standards. Officers of certain cities must be trained and certified by the Department of Public Safety (DPS) to conduct inspections. Cities that participate in the inspection programs must incur all costs relating to certifying the officers and enforcing safety standards. In each fiscal year, a city that conducts inspections may retain fines from enforcement of safety standards covering up to 110 percent of the enforcement costs for the preceding fiscal year. If a city collects revenues of more than 110 percent in a given fiscal year, the excess must be sent to the state comptroller. If an officer fails to comply with the inspection and enforcement regulations, DPS may revoke or rescind that officer’s certification.
- DIGEST:** CSHB 503 would authorize certain sheriffs and deputy sheriffs to enforce safety standards for commercial motor vehicles. A police officer in a city of

25,000 people or more, any part of which was located in a county with 400,000 or more, and a sheriff or deputy sheriff of a county along the Texas-Mexico border or of a county with 400,000 or more people could apply for certification to enforce motor-vehicle safety standards.

A sheriff or deputy sheriff who was certified to enforce commercial motor-vehicle safety standards could detain a commercial motor vehicle on a highway or at a port of entry within the county.

CSHB 503 would allow a county to retain fines covering up to 110 percent of the previous fiscal year's costs for enforcing motor-vehicle safety standards, as cities may do under current law. If there were no actual costs for the previous fiscal year, the county could retain fines up to 110 percent of the comptroller's estimate of what enforcement costs would be for the year. The county would have to send the comptroller any excess proceeds.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 503 would address a significant public safety issue. According to the U.S. Customs Department, more than three million trucks enter Texas each year, of which only about 1 percent are inspected. This number is expected to continue to grow due to traffic resulting from the North American Free Trade Agreement. Violations can occur because of faulty brakes, tires, suspension, steering mechanisms, and improperly secured loads. Potential failure of these mechanisms poses a serious public safety hazard. Expanding the number of certified inspectors in the state would improve public safety.

Current law is inadequate in this regard. DPS, large cities, and smaller cities near ports and the Mexican border can inspect trucks, but DPS does not have enough officers to inspect the high volume of commercial traffic in the state, and many counties have no incorporated areas and therefore no city police departments to perform inspections. The departments that are eligible to participate in inspections must pay the costs of training and certifying their officers. Allowing sheriff's departments in counties with heavy commercial traffic to perform these inspections would assist DPS greatly and would enhance public safety throughout the state.

CSHB 503 would not create revenue-producing programs. It would cap the retention of fines at 110 percent of annual enforcement costs. The cities that now conduct these inspections have not even reached 100 percent. All money collected from fines goes to pay costs, and the revenue does not even cover all the costs to inspect these vehicles or to train and certify personnel to do the inspections. All departments certified to conduct these investigations must keep detailed records, which could be audited at any time by the comptroller. If standards were not met, DPS could pull the certification.

OPPONENTS
SAY:

Commercial vehicle inspections should be a safety issue, not a revenue issue. Allowing counties to retain fines covering up to 110 percent of enforcement costs would be excessive. CSHB 503 could create an incentive for counties to load up costs on paper to justify the retention of fine revenues.

NOTES:

The committee substitute would set the size of a county in which a police officer could apply for certification at 400,000 or more, whereas HB 503 as filed would have left the threshold at 2.4 million or more, as in current law. The substitute would specify that a sheriff or deputy sheriff of a border county or of a county with at least 400,000 could apply for certification, whereas the filed version would have allowed the sheriff or deputy sheriff of any county to apply.