

- SUBJECT:** Expanding enforcement for commercial motor vehicle safety standards
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 5 ayes — Merritt, Frost, Driver, P. King, Rodriguez  
0 nays  
4 absent — Burnam, Lewis, Mallory Caraway, Vo
- WITNESSES:** For — (*Registered, but did not testify*: Tom Gaylor, Texas Municipal Police Association)  
Against — None  
On — (*Registered, but did not testify*: Les Findelsen, Texas Motor Transportation Association)
- BACKGROUND:** Transportation Code, ch. 644 authorizes the Department of Public Safety (DPS) to adopt rules to promote the safe transportation of hazardous materials and safe operations of commercial motor vehicles. Any rules imposed under this authority must ensure that:
- a commercial motor vehicle is safely maintained, equipped, loaded, and operated;
  - the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely; and
  - the physical condition of a commercial motor vehicle's operator enables the safe operation of the vehicle.
- DPS also may establish procedures, including training, for the certification of municipal police officers, sheriffs, and deputy sheriffs to enforce commercial motor vehicle safety. Transportation Code, sec. 644.101, establishes the municipalities and counties whose police officers are eligible to apply for certification.

Transportation Code, sec. 644.101 (c) allows for the certification of a sheriff or a deputy sheriff of a county bordering the United Mexican States or of a county with a population of 2.2 million.

Transportation Code, sec. 644.102 allows counties each fiscal year to retain fines collected for violations of up to 110 percent of their actual enforcement costs in the preceding fiscal year as determined through an audit review by the comptroller. The comptroller may estimate actual expenses if there were no cost for enforcing the safety requirements. Any fine revenue exceeding costs of enforcement would go to the Texas Department of Transportation (TxDOT).

**DIGEST:**

HB 207 would allow a sheriff or deputy sheriff in a county with a population of 250,000 or more to be eligible to apply for certification to enforce commercial motor vehicle safety standards under Transportation Code, ch. 644.

The bill would take effect on September 1, 2009.

**SUPPORTERS  
SAY:**

Millions of commercial vehicles travel through Texas annually, and unregulated vehicles pose a danger to operators of those vehicles and other drivers. HB 207 would provide a simple, permissive means of expanding commercial vehicle enforcement through existing certification and training programs. The bill would help disperse enforcement authority among more Texas counties and reduce the enforcement burden on overwhelmed DPS and local authorities. Because all Texans have a stake in commercial vehicle safety, a larger portion of the state's counties should have the opportunity to play a role in ensuring compliance with safety standards.

Expanding the eligibility criteria could allow sheriffs' departments in Tarrant, Bexar, Travis, El Paso, Hidalgo, Collin, Denton, Fort Bend, Cameron, Nueces, Montgomery, Jefferson, and Galveston counties to participate in the program, on the basis of 2000 census figures. Williamson, Lubbock, Brazoria, and Bell counties might be eligible after the 2010 census is completed.

Existing restrictions have worked well in ensuring that local jurisdictions conduct inspections to ensure safety and not as a source of revenue. Further limits on the portion of fines allocated to local governments would not be necessary.

OPPONENTS  
SAY:

DPS currently does the bulk of commercial vehicle enforcement, but the program is structured so that money collected stays in the county where it is collected. This structure ensures that DPS focuses on safety inspections rather than generating revenue for the state. If more local law enforcement officers are to be authorized to enforce commercial motor vehicle safety standards, as HB 207 would do, then more of the money from fines should be sent to the state so that enforcement is for safety reasons and not for raising local revenue.