

SUBJECT: Certification of certain peace officers for commercial vehicle enforcement

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — Phillips, Nevárez, Burns, Johnson, Metcalf, Moody, M. White, Wray

1 nay — Dale

WITNESSES: For — Robert Meager, City of Gregory

Against — None

On — (*Registered, but did not testify*: Les Findeisen, Texas Trucking Association; Chris Nordloh, Texas Department of Public Safety)

BACKGROUND: Transportation Code, ch. 644 governs safety standards for commercial motor vehicles. Sec. 644.101 requires the Department of Public Safety (DPS) to establish procedures for the certification of municipal police officers to enforce commercial vehicle safety standards and provides a list of municipalities where police officers are eligible to apply for this certification.

DIGEST: HB 716 would add to the list of municipalities where police officers were eligible to apply for certification to enforce commercial motor vehicle safety standards. It would allow officers from a municipality located in San Patricio County to apply for certification.

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, 2015.

SUPPORTERS SAY: HB 716 would ensure the safety of Gulf coast communities by allowing certain police officers to enforce commercial vehicle safety standards in San Patricio County, which is located in this region.

Commercial motor vehicle traffic has increased along the Texas Gulf coast due to more oil and gas-related activity, putting Gulf coast municipalities at a higher risk for motor vehicle accidents. According to the Texas Department of Transportation, deaths from commercial vehicle crashes in Texas rose 51 percent from 2009 to 2013. In that same period, commercial vehicle crashes increased by 40 percent in San Patricio County. HB 716 would allow for the enforcement of regulations that could reduce crashes and save lives in a county with increased traffic and crashes.

HB 716 would allow local law enforcement in areas of San Patricio County to take preventive measures that included proactively inspecting commercial vehicles and pulling over trucks for dangerously overweight loads. There is a lack of active and sustained DPS or sheriff's department commercial vehicle enforcement personnel in smaller counties due to staffing, training, and legislative restrictions. HB 716 would help to address this shortage in one area of the state.

This bill would allow police officers to apply for certification, but it would not automatically grant them authority in the affected municipality. The rigorous certification process requires a minimum of four weeks of initial training and a recertification process every year. The officers who would be granted authority under HB 716 would be well trained, acquiring the necessary specialized skills to inspect commercial vehicles. This training would increase consistency in enforcement.

**OPPONENTS
SAY:**

HB 716 would expand an enforcement mechanism that does not necessarily address the real issue behind commercial motor vehicles crashes. Most commercial motor vehicle crashes are a result of non-commercial motor vehicle drivers who are driving aggressively, are distracted, and are not following state driving laws. The state needs more aggressive traffic enforcement to prevent crashes. Few accidents occur from equipment failures on commercial vehicles, so HB 716 would not necessarily result in a significant decrease in crashes or an increase in safety in the Gulf coast region.

Enforcing commercial motor vehicle safety standards requires highly specialized skills. Officers need to spend substantial time and effort on enforcing commercial vehicle standards to understand them fully and to be able to enforce them properly. The revenue collected from enforcing safety standards stays in the counties or cities where the enforcement takes place, creating an incentive to have officers enforce commercial vehicle standards locally. However, municipal police officers have many other duties and may not have enough time to devote to learning and enforcing these standards adequately. Police officers should not be allowed to stop and inspect a truck without witnessing a state law violation.

NOTES:

The companion bill, SB 320 by Zaffirini, was considered in a public hearing of the Senate Transportation Committee on April 29.