

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1351
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Intergovernmental Relations
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Committee Report (Substituted)

DIGEST

Currently, state and federal laws govern the state regulation of foreign commercial motor carriers within certain border commercial zones. However, Texas regulation of foreign commercial motor carriers is not harmonized with federal statutes. This lack of harmonization enables certain foreign commercial motor carriers engaged in the movement of international cargo within the state to operate in violation of federal statutes in a manner detrimental to Texas commercial motor carriers and public safety. C.S.S.B. 1351 would clarify and harmonize the regulation of trade within defined zones along the border, including the introduction of strict safety standards for foreign motor carriers.

PURPOSE

As proposed, C.S.S.B. 1351 outlines provisions and provides administrative penalties regarding the regulation of foreign involvement in commercial motor transportation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Transportation, the Department of Public Safety, and the Texas Department of Insurance under SECTION 1 (Section 2, Article 6675c-2, V.T.C.S.), and the Texas Department of Transportation under SECTION 1 (Section 6, Article 6675c-2, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Title 116, V.T.C.S., by adding Article 6675c-2, as follows:

Art. 6675c-2. FOREIGN COMMERCIAL MOTOR TRANSPORTATION

Sec. 1. DEFINITIONS. Defines "border," "commercial motor vehicle," "border commercial zone," "foreign commercial motor vehicle," and "motor carrier."

Sec. 2. RULES. Authorizes the Texas Department of Transportation, the Department of Public Safety, and the Texas Department of Insurance to adopt other rules to carry out this article in addition to rules required by this article.

Sec. 3. REFERENCE TO FEDERAL STATUTE. Provides that a reference in this article to a federal statute or regulation includes any subsequent amendment or redesignation of the statute or regulation.

Sec. 4. BORDER COMMERCIAL ZONE EXCLUSIVE; BOUNDARIES. Provides that a law or agreement of less than statewide application that is adopted by an agency or political subdivision of this state and that regulates motor carriers or commercial motor vehicles or the operation of those carriers or vehicles in the transportation of cargo across the border or within an area adjacent to the border by foreign commercial vehicles has no effect unless the law or agreement applies uniformly to an entire border commercial zone and only in a border commercial zone. Provides that this section supersedes that portion of any paired city, paired state, or similar understanding governing foreign commercial motor vehicles or motor carriers entered into under Section 502.054, Transportation Code, or any other law. Authorizes the boundaries of a border commercial zone to be modified or established only as provided by

federal law.

Sec. 5. REGISTRATION EXEMPTION IN BORDER COMMERCIAL ZONE. Sets forth instances in which a foreign commercial motor vehicle is exempt from Chapter 502, Transportation Code, and any other law of this state requiring the vehicle to be registered in this state, including a law providing for a temporary registration permit. Authorizes a foreign commercial motor vehicle operating under the exemption provided under this section and the vehicle's driver to be considered unregistered if the vehicle is operated in this state outside a border commercial zone or in violation of United States law.

Sec. 6. FINANCIAL RESPONSIBILITY. Requires the Texas Department of Transportation to adopt rules that conform with 49 C.F.R. Part 387 requiring motor carriers operating vehicles in this state to maintain financial responsibility. Provides that this article prevails over any other requirement of state law relating to financial responsibility for operation of those vehicles in this state.

Sec. 7. DOMESTIC TRANSPORTATION. Prohibits a foreign motor carrier or foreign motor private carrier from transporting persons or cargo in intrastate commerce in this state unless the carrier is authorized to conduct operations in interstate and foreign commerce domestically between points in the United States under federal law or international agreement.

SECTION 2. Amends Article 6675d, V.T.C.S., by adding Section 16, as follows:

Sec. 16. APPLICATION TO FOREIGN COMMERCIAL MOTOR VEHICLES. Provides that this article also applies to all foreign commercial motor vehicles, as defined by Section 1, Article 6675c-2, V.T.C.S., except as otherwise provided by law.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 1, Title 116, V.T.C.S., by adding Article 6675c-2, to define "commercial motor vehicle," "border commercial zone," and "motor carrier." Redefines "foreign commercial motor vehicle." Amends Section 2, regarding rules. Amends Section 3, regarding a reference to federal statute or regulation. Amends Section 4, regarding boundaries of a border commercial zone exclusive. Amends Section 5, regarding a registration exemption in a border commercial zone. Amends Section 6, regarding financial responsibility of foreign commercial motor vehicles. Amends Section 7, regarding domestic transportation.

SECTION 2.

Amends Article 6675d, V.T.C.S., by adding Section 16, regarding application to foreign commercial motor vehicles. Renumbers existing SECTIONS regarding the effective date and the emergency clause.