

## **BILL ANALYSIS**

Senate Research Center

H.B. 1087  
By: Driver (Shapiro)  
State Affairs  
5/14/1999  
Engrossed

### **DIGEST**

Currently, the Department of Public Safety (department) enforces the federal motor carrier safety regulations and federal hazardous materials regulations. Under current law, the enforcement of these regulations is permitted by a peace officer in a city with a population of 100,000 or more or a city of 25,000 or more in a county with a population of 2.4 million or more. H.B. 1087 requires the department to establish procedures, including training, for the certification of sheriffs and sheriff's deputies. This bill provides that a sheriff or sheriff's deputy of a county with a population of 270,000 or more is eligible for certification under this section. This bill also requires the department to establish reasonable fees sufficient to recover from a county, as appropriate, the cost of certifying its sheriffs or sheriff's deputies. It authorizes the department to establish uniform standards for county enforcement of this chapter. H.B. 1087 authorizes a sheriff or sheriff's deputy to detain a motor vehicle on a highway within the county territory.

### **PURPOSE**

As proposed, H.B. 1087 sets forth requirements relating to county enforcement of commercial vehicle safety standards.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 644.101, Transportation Code, as follows:

Sec. 644.101. New heading: CERTIFICATION OF MUNICIPAL POLICE OFFICERS AND SHERIFFS OR SHERIFF'S DEPUTIES. Includes sheriffs and sheriff's deputies among those required to be trained and certified under this section. Provides that a police officer of a municipality of which part is located in a county with a population of 1.8, rather than 2.4, million is eligible to apply for certification under this section. Authorizes a sheriff or a sheriff's deputy of a county with a population of 1.8 million or more to apply for certification under this section. Makes conforming changes.

SECTION 2. Amends Section 644.102, Transportation Code, as follows:

Sec. 644.102. New heading: MUNICIPAL AND COUNTY ENFORCEMENT REQUIREMENTS. Includes counties in the enforcement requirements under this section. Requires a county to adopt the uniform standards of enforcement under this chapter, before enforcing this chapter. Makes conforming changes.

SECTION 3. Amends Section 644.103, Transportation Code, by adding Subsection (d), to authorize a sheriff or a sheriff's deputy, certified under Section 644.101, to detain a motor vehicle subject to this chapter, on a highway within the territory of a county.

SECTION 4. Provides that Section 644.101, Transportation Code, as set out in this Act, gives effect to changes made by Chapter 364 and Chapter 1061, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, to the extent of any conflict.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.