

## **BILL ANALYSIS**

Senate Research Center  
76R7144 JD-F

S.B. 1019  
By: Shapleigh  
State Affairs  
3/17/1999  
As Filed

### **DIGEST**

Currently, the Department of Public Safety (department) conducts compliance reviews under Section 644.155, Transportation Code, some of which result in the assessment of administrative penalties on certain motor carriers. There are a growing number of carriers who refuse to pay the administrative penalties even though they acknowledge the presence of violations and some carriers continue to operate without fully correcting safety problems. This bill would provide a mechanism by which the department is authorized to force a motor carrier to pay the administrative penalties assessed against a carrier for violations of motor carrier safety regulations and/or hazardous materials regulations discovered during compliance reviews conducted by the department.

### **PURPOSE**

As proposed, S.B. 1019 sets forth procedures for impounding commercial vehicles.

### **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 Chapter 644D, Transportation Code, by adding Section 644.1545, as follows:

Sec. 644.1545. IMPOUNDMENT OF VEHICLES. Provides that this section applies only to a person against whom the Department of Public Safety (department) has imposed a final administrative penalty, has failed to pay the amount of the penalty, and has not stayed the enforcement of the penalty. Authorizes the department to direct or order the impoundment of any commercial vehicle provided that the department serves the owner of a commercial vehicle with written notice that the vehicle is subject to this subsection and the vehicle's owner fails to take certain actions. Authorizes the department to service notice under Subsection (b) by certified mail or personal delivery. Prohibits an impounded vehicle from being released until the vehicle's owner pays a portion or all of an administrative penalty and all costs incurred to impound the vehicle.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.