

## **BILL ANALYSIS**

Senate Research Center  
76R9676 JD-F

C.S.S.B. 1019  
By: Shapleigh  
State Affairs  
3/19/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Department of Public Safety (DPS) 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 set forth guidelines for the impoundment of certain commercial vehicles and the payment of certain administrative penalties.

### **PURPOSE**

As proposed, C.S.S.B. 1019 sets forth guidelines for the impoundment of certain commercial vehicles and the payment of certain administrative penalties.

### **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 644.102, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (f), to require, rather than authorize, the Department of Public Safety (DPS) to establish uniform standards for municipal enforcement of this chapter. Requires certain municipalities to comply with standards established under Subsection (a). Requires the DPS to revoke or rescind the certification of any municipal policy officer who fails to comply with any standard established under Subsection (a).

SECTION 2. Amends Section 644.153, Transportation Code, by adding Subsections (d) - (h), to require a person subject to an administrative penalty imposed by the DPS to pay the administrative penalties or respond to a DPS notice of claim within 20 days of receipt. Prohibits a person who fails to pay administrative penalties within a specified period from operating or directing the operation of a commercial vehicle in this state until such penalties have been remitted. Requires the DPS to impound any vehicle in violation of Subsection (e) after proper service of a notice of claim. Authorizes service of notice of claim to be served by certain delivery procedures. Requires vehicles impounded by the DPS to remain impounded until the administrative penalties are remitted. Requires all costs associated with the towing or storage of a vehicle and load to be the responsibility of the owner or operator of the vehicle.

SECTION 3. Amends Section 644.155, Transportation Code, to require the DPS to establish a safety audit program similar to a certain federal program for any person who owns or operates a commercial motor vehicle that is domicile in this state. Deletes a provision regarding safety audits by the United States. Makes a nonsubstantive change.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 644.102, Transportation Code, to require the DPS to establish uniform standards for municipal enforcement of this chapter and to require a municipality to take certain actions. Deletes Section 644.1545, Chapter 644D, Transportation code.

SECTION 2.

Amends Section 644.153, Transportation Code, to set forth requirements and procedures regarding impounded vehicles and administrative penalties.

SECTION 3.

Amends Section 644.155, Transportation Code, to require the DPS to implement and enforce a certain safety audit.