

BILL ANALYSIS

Senate Research Center
76R6491 WP-F

S.B. 775
By: Bivins
Infrastructure
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As Filed

DIGEST

Currently, certain passenger vehicles are exempt from motor carrier registration requirements. S.B. 1486, 75th Legislature, intended the exemption for a public entity's vehicle whose primary function is not the transportation of passengers. Nevertheless, the strict language in S.B. 1486 did not exempt certain public entities, such as public transportation agencies whose primary purpose is to transport passengers. Additionally, the same law does not offer clear guidelines for certain biennial fees regarding the registration period for motor carriers. S.B. 775 would exempt all governmental entities from motor carrier registration requirements, clarify the required fees for optional two-year and temporary registration of motor carriers, clarify the authority of the Texas Department of Transportation (TxDOT) to investigate all household goods carriers for alleged violations of registration and consumer protection regulations, and provide for the reimbursement of actual expenses for TxDOT employees investigating out-of-state motor carriers.

PURPOSE

As proposed, S.B. 775 exempts all public entities from certain motor vehicle registration requirements and clarifies the fee authority of the Texas Department of Transportation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Transportation in SECTION 4 (Section 643.061(a), Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 643.002, Transportation Code, to provide that this chapter does not apply to certain motor vehicles already subject to administration by another governmental entity, a vehicle used by certain organizations, a vehicle operating under a private carrier permit issued under Chapter 42, Alcoholic Beverage Code, or a vehicle operated by a governmental entity.

SECTION 2. Amends Section 643.058(a), Transportation Code, to provide an exemption as outlined in Section 643.061, to a registration required under this chapter.

SECTION 3. Amends Section 643.059, Transportation Code, by amending Subsections (b) and (e) and adding Subsection (f), to delete "annual" and "annually" in reference to the requirement that the Texas Department of Transportation (TxDOT) issue cab cards annually and to the requirement that the TxDOT develop an alternative system as necessary for annual registration requirements. Requires a cab card issued under the alternative method to be valid for the same duration of time as a motor carrier's certificate issued under Section 643.054(b) or Section 643.061(c)(1).

SECTION 4. Amends Subchapter 643B, Transportation Code, by adding Sections 643.061 and 643.062, as follows:

Sec. 643.061. **OPTIONAL REGISTRATION PERIODS.** Authorizes TxDOT to vary, by rule, the period of certain registrations under this subchapter. Sets forth payment requirements for a motor carrier applying for registration under this chapter. Sets forth certain certificates and cab cards TxDOT must issue to a motor carrier registering under this section.

Sec. 643.062. **LIMITATION ON INTERNATIONAL MOTOR CARRIER.** Prohibits a foreign-based international motor carrier required to register under this chapter or registered under Chapter 645 from transporting a person or cargo in intrastate commerce in this state. Prohibits

a person from assisting a foreign-based international motor carrier in violating Subsection (a).

SECTION 5. Amends Section 643.254, Transportation Code, by amending Subsection (a) and adding Subsection (c) and (d), to authorize an officer or employee of the TxDOT to enter a motor carrier's premises under certain conditions. Requires a motor carrier domiciled outside this state to designate a location for inspection or request an officer to conduct the inspection outside of state. Provides that a motor carrier requesting out-of-state inspection will be responsible for inspection costs.

SECTION 6. Repealer: Sections 1 and 2, Chapter 106, V.T.C.S. (Motor vehicle registration).

SECTION 7. Emergency clause.
Effective date: 90 days after adjournment.