

BILL ANALYSIS

Senate Research Center
77R3018 JMG-D

S.B. 205
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DIGEST AND PURPOSE

Currently, only a limited number of municipal law enforcement officers are authorized to perform commercial vehicle safety inspections in Texas. This limited number excludes sheriffs and sheriff's deputies from performing inspection. From 1993 to 1998, commercial truck traffic on Texas highways increased by 38%. Moreover, 80% of all United States-Mexico trade-related truck traffic passes through Texas which has become increasingly more dangerous for both commercial trucks and passenger vehicles. As proposed, S.B. 205 authorizes police officers of any municipality or county to request certification from the Department of Public Safety to enforce the Federal Motor Carrier Safety Regulations Act.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 644.101 and 644.102, Transportation Code, as follows:

Sec. 644.101. New heading: CERTIFICATION OF POLICE OFFICERS. Requires the Department of Public Safety (department) to establish procedures, including uniform training, for the certification of police officers to enforce this chapter. Provides that a police officer of any municipality or county is eligible to apply for certification. Deletes text that defines "municipality" for this section. Makes conforming and nonsubstantive changes.

Sec. 644.102. New heading: ENFORCEMENT REQUIREMENTS. Authorizes a municipality or county to retain the proceeds from the enforcement of the chapter, not to exceed 110 percent of the actual expenses, after the actual expenses for enforcement of this chapter in the preceding fiscal year have been determined by the comptroller upon reviewing the most recent municipal audit conducted under Section 103.001 (Annual Audit; Financial Statement), Local Government Code, or the most recent county audit conducted under Chapter 115 (Audit of County Finances), Local Government Code. Makes conforming changes.

SECTION 2. Amends Section 644.103(b), Transportation Code, by authorizing a police officer who is certified under Section 644.101 to detain on a highway or at a port of entry within the territory of the municipality or county that employs the officer a motor vehicle that is subject to this chapter.

SECTION 3. Effective date: upon passage or September 1, 2001.