

BILL ANALYSIS

Senate Research Center
78R3219 KEL-F

S.B. 795
By: Gallegos
Criminal Justice
5/5/2003
As Filed

DIGEST AND PURPOSE

Current law does not penalize corporations or associations that employ commercial motor vehicle drivers who commit criminally negligent homicide due to the failure to properly inspect, maintain, or operate a commercial motor vehicle. According to the Federal Motor Carrier Safety Administration, in 2000, 5,307 Americans died and an estimated 145,000 were injured in traffic crashes involving large trucks. As proposed, S.B. 795 allows for penalty of up to \$100,000 against those corporations or associations adjudged to have committed criminally negligent homicide in the operation of commercial motor vehicle.

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 Section 12.51, Penal Code, by amending Subsections (b) and (c) and adding Subsection (f), as follows:

(b) Provides that if a corporation or association is adjudged guilty of an offense that provides a penalty including imprisonment, or that provides no specific penalty, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed \$100,000 if, as a result of criminally negligent conduct involving the inspection, maintenance, or operation of a commercial motor vehicle, an individual suffers death. Make a conforming change.

(c) Makes a conforming change.

(f) Defines “commercial motor vehicle.”

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.