

## **BILL ANALYSIS**

Senate Research Center  
79R17306 E

C.S.H.B. 754  
By: Gattis (Fraser)  
Transportation & Homeland Security  
5/13/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law does not require a commercial truck hauling dirt, sand, gravel, or refuse to cover its load with a tarp. This in turn leaves a motorist who drives behind such a vehicle vulnerable to material spilling out onto the roadway.

C.S.H.B. 754 requires a commercial vehicle carrying such loose material to cover its load with a tarp.

### **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 725.003(c), Transportation Code, by providing that an offense under this section (relating to the transportation of loose materials) is a misdemeanor punishable by a fine of not less than \$25 or more than \$500, rather than \$200 for a first conviction and not less than \$200 or more than \$500 for a subsequent conviction. Makes nonsubstantive changes.

SECTION 2. Amends Section 725.021, Transportation Code, by amending Subsection (c) and adding Subsection (e) as follows:

(c) Creates an exception to this subsection as provided by Subsection (e).

(e) Requires, if the vehicle is a commercial motor vehicle transporting aggregates, as defined by Section 133.003 (Definitions), Natural Resources Code, or refuse, the load to be covered and the covering firmly secured at the front and back or to be completely enclosed by the load-carrying compartment. Defines, for the purposes of this section, "commercial motor vehicle."

SECTION 3. Makes application of this Act prospective.

SECTION 4 Effective date: September 1, 2005.