

BILL ANALYSIS

Senate Research Center
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H.B. 2304
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Public Safety of the State of Texas (DPS) is tasked with enforcing federal commercial motor vehicle regulations, which in many cases are more stringent than state regulations. Under current statute, sheriffs, or deputy sheriffs can also be certified to enforce these regulations if they serve in a border county or in a county with a population over 2.2 million.

It is not uncommon for a peace officer who is not certified to pull over a vehicle for another violation that turns out to also be in violation of federal commercial motor vehicle regulations. In such cases, the peace officer must call in assistance from a certified officer.

This often results in the vehicle and officer spending significant time on the side of the road awaiting a certified officer. This increases safety risks for those on the side of the road, ties up the officer who could be policing elsewhere and costs the driver time. Sometimes, a certified officer is not available and the offending vehicle must be permitted to continue its trip without penalty and despite potential safety risks depending on the nature of the violation.

H.B. 2304 lowers the population bracket for counties where sheriffs or deputy sheriffs can be certified by DPS to endorse federal commercial motor vehicle regulations. This will open the opportunity to Bexar, Tarrant, and Travis Counties.

H.B. 2304 amends current law relating to the certification of sheriffs and deputy sheriffs to enforce commercial motor vehicle safety standards in certain counties.

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 644.101(c), Transportation Code, to provide that a sheriff or a deputy sheriff of a county bordering the United Mexican States or of a county with a population of one million or more, rather than 2.2 million or more, is eligible to apply for certification under this section.

SECTION 2. Effective date: upon passage or September 1, 2013.