

SUBJECT: Expanding enforcement for commercial motor vehicle safety standards

COMMITTEE: Law Enforcement —favorable, without amendment

VOTE: 7 ayes — Driver, Latham, Allen, Frost, Ortiz, Vo, West

0 nays

SENATE VOTE: On final passage, March 15 — 30-0

WITNESSES: (*On House companion bill, HB 1273 by Jackson:*)  
For — None

Against — None

On — (*Registered, but did not testify:* Mark Rogers, Texas Department of Public Safety)

BACKGROUND: Transportation Code, ch. 644 authorizes the Department of Public Safety (DPS) to adopt rules to promote the safe transportation of hazardous materials and safe operations of commercial motor vehicles. Any rules imposed under this authority must ensure that:

- a commercial motor vehicle is safely maintained, equipped, loaded, and operated;
- the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely; and
- the physical condition of a commercial motor vehicle's operator enables the safe operation of the vehicle.

DPS also may establish procedures, including training, for the certification of municipal police officers, sheriffs, and deputy sheriffs to enforce commercial motor vehicle safety. To be eligible to apply for certification, a police officer must be located in a municipality:

- with a population greater than 100,000;
- with a population greater than 25,000 any part of which is located

- in a county with a population greater than 2 million;
- with a population less than 25,000, any part of which is located in a county with a population of 2.4 million, and that contains or is adjacent to an international port; or
- a municipality any part of which is located in a county bordering Mexico.

Sheriffs or deputy sheriffs meeting certain conditions are also be eligible to apply for certification.

**DIGEST:** SB 545 would expand the certification eligibility criteria set forth in ch. 644 to include a municipality with a population of 50,000 or greater. It also would include a municipality with a population of at least 25,000 if any part of it was located in a county with a population of 500,000 or greater.

The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** SB 545 is necessary to enhance the enforcement of commercial vehicle safety standards in Texas. The bill would increase the number of eligible police officers serving in qualified municipalities who could become certified to enforce commercial motor vehicle safety standards established by DPS. Such standards include specifications for the transportation of hazardous materials, carrier weight regulations, driver service hours, driver and vehicle condition, and other standards contained in the Federal Motor Carrier Safety Regulations. Enforcement of commercial vehicle safety standards is conducted largely through comprehensive, roadside vehicle inspections. DPS State Troopers conduct an average of 350,000 roadside inspections of commercial vehicles per year.

There currently are 26 municipal police departments and two sheriff's offices certified to enforce the motor carrier regulations. The bill's eligibility revisions would add medium-sized cities and municipalities larger than 25,000 in several of the largest counties across Texas to those qualified to certify officers for commercial vehicle enforcement. Cities that met the population requirement in Travis County, for example, would be able to certify officers to regulate heavy commercial motor vehicle traffic flows along Interstate 35. Eligible municipalities generally opt to certify between two and five officers for commercial vehicle enforcement, who then take on additional responsibilities. Certification entails a training course at minimal expense, and municipalities are able to recover any

expenses associated with enforcing commercial vehicle regulations through citations. For each citation issued, a municipality is able to take enough to cover the cost of issuance plus 10 percent before transferring the balance to the comptroller.

Millions of commercial vehicles travel through Texas annually. Unregulated vehicles pose a danger to operators of those vehicles and other drivers. SB 545 would provide a simple, permissive means of expanding the enforcement of commercial vehicle enforcement through existing certification and training programs. The bill would help disperse enforcement authority among more Texas municipalities and thereby reduce the enforcement burden on overwhelmed local authorities in large cities and near border regions. Since all Texans have a stake in commercial vehicle safety, a larger portion of the state's municipalities should have the opportunity to play a role in ensuring compliance with safety standards.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The identical companion bill, HB 1273 by Jackson, was left pending in the House Law Enforcement Committee.