

**SUBJECT:** Establishing a minimum penalty for commercial vehicle safety violations

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

0 nays

**WITNESSES:** For — Ernest White and Chapel Love, Houston Police Department; (*Registered, but did not testify:* Lindsay Lanagan, City of Houston; Les Findeisen, Texas Trucking Association)

Against — None

On — (*Registered, but did not testify:* Omar Villarreal, Texas Department of Public Safety; John Barton, James Bass, Bill Hale, and Joe Weber, Texas Department of Transportation; Victor Vandergriff, Texas Transportation Commission)

**BACKGROUND:** Transportation Code, ch. 644 establishes safety standards for commercial motor vehicles. Sec. 644.151 makes a violation of the safety standards a class C misdemeanor (maximum fine of \$500).

Some have suggested that some judges in certain urban areas have been issuing minimal fines, some as low as \$1, to commercial trucks for serious safety violations, which detracts from the intended deterrent effect of fines in upholding safety standards.

**DIGEST:** CSHB 823 would make safety violations of commercial motor vehicles related to brakes, tires, or load securement under Transportation Code, sec. 644.151 a class C misdemeanor punishable by a fine ranging from \$150 to \$500 for violations of the following federal safety standards:

- 49 C.F.R., part 393, subpart C, which is related to brakes;
- 49 C.F.R. sec. 393.75, which is related to tires; and

- 49 C.F.R., part 393, subpart I, which is related to cargo securement.

CSHB 823 would take effect September 1, 2015, and would apply only to an offense that occurred on or after that date.