

SUBJECT: Allowing Midlothian to enforce commercial vehicle safety standards

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel,
Minjarez, Phillips, Pickett, Simmons, E. Thompson, Wray

0 nays

1 absent — S. Thompson

WITNESSES: For — Carl Smith, City of Midlothian; (*Registered, but did not testify*:
Chris Jones, Combined Law Enforcement Associations of Texas)

Against — None

On — John Esparza, Texas Trucking Association; (*Registered, but did not testify*: Omar Villarreal, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 644.101 requires the Texas Department of Public Safety to establish procedures for the certification of municipal police officers to enforce commercial vehicle safety standards and provides a list of municipalities where police officers are eligible to apply for this certification. Secs. 644.103 and 644.104 allow certified officers to stop, inspect, and prohibit the operation of commercial motor vehicles if the operator or vehicle is in violation of certain safety regulations.

Subsection 644.102(d) allows a municipality to keep a portion of any fines levied under this authority to cover the costs of enforcement, plus an additional 10 percent of the cost.

DIGEST: HB 1355 would allow police officers in the city described in the bill (Midlothian) to be certified by the Department of Public Safety to enforce commercial vehicle safety standards.

The bill would take effect September 1, 2017, and to the extent of any

conflict would prevail over other bills enacted by the 85th Legislature.

**SUPPORTERS
SAY:**

HB 1355 would improve public safety and reduce the damage to roads by allowing local police officers in Midlothian to enforce commercial vehicle safety standards. Three cement plants, a steel mill, and a rail port are located on highways near Midlothian, and the trucks, which are sometimes overweight, increase wear and tear on the city's roads. This bill would allow local police to use mobile weigh stations to enforce weight restrictions. Additionally, the proximity of the city to major highways near fast-growth areas make it a hub for commercial vehicles, bringing additional safety risks. While the resources of the Department of Public Safety (DPS) are split across several areas, this bill would allow local police to increase enforcement of safety standards in the region, improving road quality and public safety.

This bill would allow police officers to apply for certification, but it would not grant it automatically. The rigorous certification process requires a minimum of four weeks of initial training and a recertification process every year. Officers who granted authority under HB 1355 would be well trained, acquiring the necessary specialized skills to inspect commercial vehicles.

While the Legislature may be able to make improvements to this program, the state should not pass up this opportunity to take a concrete step toward improving public safety.

**OPPONENTS
SAY:**

HB 1355 would expand a program that allows local police departments to retain a portion of the fines levied, based on their costs of enforcement. However, there is currently a limited ability for the state to ensure that localities keep only that amount, and the Legislature should require additional reports from participating localities before expanding the program. This would ensure that the program was not used as a revenue-generation tool, as officers certified under this section could pull over any commercial vehicle without first establishing probable cause.

The Legislature also should establish objective criteria to determine which

localities may participate. The state should base these on data maintained by DPS, such as the frequency of crashes or safety violations, instead of arbitrarily adding individual municipalities into statute on request.