

## **BILL ANALYSIS**

Senate Research Center

H.B. 1107  
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Transportation  
5/18/2015  
Engrossed

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

A relatively recent accident involving a commercial bus not in compliance with federal regulations that resulted in the deaths of and injuries to many people has called for increased reform regarding the operation of commercial motor vehicles. Interested parties contend that the absence of state law prohibiting the operation of a commercial vehicle under certain conditions endangers the public's well-being. H.B. 1107 seeks to address this issue by providing for criminal liability for certain federal motor carrier safety violations.

H.B. 1107 amends the Transportation Code to make it a Class A misdemeanor to knowingly operate a commercial motor vehicle in violation of federal regulations regarding unsatisfactory rated motor carriers or to own, lease, or assign a person to drive such a vehicle that is knowingly operated in violation of those regulations. The bill enhances the penalty for such an offense to a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury and to a second degree felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in the death of a person.

H.B. 1107 amends current law relating to criminal liability for certain federal motor carrier safety violations and creates a criminal offense.

### **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 644.151, Transportation Code, by amending Subsections (a) and (b) and adding Subsections (b-1) and (d), as follows:

(a) Provides that a person commits an offense if the person:

(1) and (2) Makes nonsubstantive changes to these subdivisions; or

(3) knowingly operates a commercial motor vehicle in violation of 49 C.F.R. Section 385.13 or owns, leases, or assigns a person to drive a commercial motor vehicle that is knowingly operated in violation of 49 C.F.R. Section 385.13.

(b) Provides that, except as provided by Subsection (d), an offense under Subsection (a)(1) or (a)(2) is a Class C misdemeanor. Makes nonsubstantive changes.

(b-1) Provides that an offense under Subsection (a)(3) is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in bodily injury; or

(2) a felony of the second degree if it is shown on the trial of the offense that at the time of the offense the commercial motor vehicle was involved in a motor vehicle accident that resulted in the death of a person.

(d) Provides that an offense under Subsection (a)(1) or (2) relating to brakes, tires, or load securement is a Class C misdemeanor punishable by a fine of not less than \$150 or more than \$500 if the offense involves a violation of:

(1) the federal regulation involving unsatisfactory rated motor carriers, 49 C.F.R. Section 385.13, as that regulation relates to brakes, tires, or load securement;

(2) a regulation under 49 C.F.R. Part 393, Subpart C, as that regulation existed on April 1, 2014;

(3) 49 C.F.R. Section 393.75, as that regulation existed on April 1, 2014; or

(4) a regulation under 49 C.F.R. Part 393, Subpart I, as that regulation existed on April 1, 2014.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2015.