

**SUBJECT:** Creating penalties for operating with unsatisfactory motor carrier ratings

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 9 ayes — Pickett, Martinez, Y. Davis, Harless, Israel, Murr, Paddie, Phillips, Simmons

0 nays

3 absent — Burkett, Fletcher, McClendon

**WITNESSES:** For — (*Registered, but did not testify:* Robert Turner, Earthmoving Contractors Association of Texas; Les Findeisen, Texas Trucking Association)

Against — None

On — Steven Rundell, Texas Department of Public Safety

**BACKGROUND:** Transportation Code, sec. 644.151 provides penalties for commercial motor vehicle carriers that do not permit inspections of their premises under Transportation Code, sec. 644.104. A person who does not permit an inspection of the premises by state officers or local police commits a class C misdemeanor (maximum fine of \$500).

Federal safety rules for motor carriers are outlined in 49 CFR, sec. 385.13. These rules describe conditions and penalties for carriers with unsatisfactory ratings.

**DIGEST:** HB 1107 would make it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for a commercial motor carrier to operate vehicles if the carrier had an unsatisfactory rating under federal safety rules (49 CFR, sec. 385.13). A person who knowingly operated, owned, leased, or assigned a person to operate a commercial motor vehicle in violation of the safety rules also would commit a class A misdemeanor.

Under the bill, if a vehicle that was out of compliance was involved in a crash that resulted in bodily injury, the offense would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000). If such a crash resulted in the death of a person, the offense would be a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

**SUPPORTERS  
SAY:**

HB 1107 would make Texas roadways safer by punishing bad actors that operate unsatisfactory buses and trucks on Texas roadways.

In 2008, a bus crash in Sherman, Texas, killed 17 members of a church group. The bus was operated by a company that had received an unsatisfactory rating by the Federal Motor Carrier Safety Administration (FMCSA) and had been taken out of service. If there had been greater state oversight and penalties, these lives could have been saved.

The bill would send a message to bad actors that Texas does not tolerate skirting federal safety standards. Operators are given an order for corrective action before being assigned an unsatisfactory rating. Operators then are informed in person that the FMCSA has shut them down. Because of this procedure, operators will know that they are out of compliance. The bill would provide further penalties to those who knowingly operated dangerously.

Federal law provides only administrative penalties for carriers operating with an unsatisfactory rating. These state criminal penalties would go much further in deterring rogue carriers from operating.

**OPPONENTS  
SAY:**

HB 1107 would create an unnecessary crime. Individuals who knowingly operate a dangerous vehicle and hurt someone already can be prosecuted. The bill simply would add to the federal penalties prohibiting these carriers from operating.