

- SUBJECT:** Expanding commercial vehicle safety enforcement in certain towns
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Canales, Landgraf, Goldman, Krause, Leman, Martinez, Ortega, Raney, E. Thompson
- 0 nays
- 4 absent — Bernal, Y. Davis, Hefner, Thierry
- WITNESSES:** For — Jamie Dutton, Kermit Police Department; James Beauchamp, Midland Odessa Transportation Alliance; Hope Williams, Winkler County; Darin Mitchell, Winkler County Sheriff's Office
- Against — None
- On — Jeremy Nordloh, Texas Department of Public Safety; John Esparza, Texas Trucking Association
- BACKGROUND:** Transportation Code sec. 644.051 requires the Department of Public Safety (DPS) to enforce rules ensuring that:
- commercial motor vehicles are 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 operator to operate the vehicle safely.
- Sec. 644.101 requires DPS to establish procedures, including training, to certify municipal police officers, sheriffs, and deputy sheriffs to enforce commercial motor vehicle safety standards. Only police officers in certain municipalities are eligible to apply for the DPS certifications.

DIGEST: HB 917 would expand the list of officers eligible to apply for certification from the Department of Public Safety to enforce commercial motor vehicle safety standards to include those located in a municipality with less than 50,000 people that was located in a county that:

- generated \$20 million or more in tax revenue from oil and gas production during the preceding state fiscal year; or
- was adjacent to two or more counties that generated \$20 million or more in tax revenue from oil and gas production during the preceding state fiscal year.

HB 917 would prevail over other bills passed during the regular session of the 86th Legislature that related to nonsubstantive additions to and corrections in the enacted codes.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 917 would increase the number of officers who were certified by DPS to enforce commercial vehicle safety standards in areas of high oil and gas production where there were significant numbers of bridge crashes, illegally overweight and overloaded trucks, unsafe driving cases, and other safety issues, as well as a shortage of Department of Public Safety (DPS) officers to respond to them. The increased number of law enforcement personnel certified by DPS to enforce commercial vehicle safety also would serve as a deterrent to discourage unsafe vehicle practices.

The bill would target the most egregious safety violations and increase public safety. Most local law enforcement agencies would not have the resources to issue an excessive number of citations.

OPPONENTS SAY: HB 917 could allow officers to issue an excessive number of citations, perhaps even multiple citations to the same truck in a given day, in an area with an industry that depends heavily on the trucking industry. It could create an incentive to issue citations on the basis of revenue, rather than increasing public safety.

