

SENATE AMENDMENTS

2nd Printing

By: Hill

H.B. No. 2093

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of motor carrier registration and
overweight and oversize permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 623.144, Transportation Code, is amended
to read as follows:

Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this
subchapter may be issued only if the vehicle is registered under
Chapter 502 for the maximum gross weight applicable to the vehicle
under Section 621.101 or has the distinguishing license plates as
provided by Section 504.504 [~~502.276~~] if applicable to the vehicle.

SECTION 2. Section 623.149(a), Transportation Code, is
amended to read as follows:

(a) The department may establish criteria to determine
whether oil well servicing, oil well clean out, or oil well drilling
machinery or equipment is subject to registration under Chapter 502
or eligible for the distinguishing license plate provided by
Section 504.504 [~~502.276~~].

SECTION 3. Section 623.194, Transportation Code, is amended
to read as follows:

Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
subchapter may be issued only if the vehicle to be moved is
registered under Chapter 502 for the maximum gross weight
applicable to the vehicle under Section 621.101 or has the

1 distinguishing license plates as provided by Section 504.504
2 [~~502.276~~] if applicable to the vehicle.

3 SECTION 4. Section 623.199(a), Transportation Code, is
4 amended to read as follows:

5 (a) The department may establish criteria to determine
6 whether an unladen lift equipment motor vehicle that because of its
7 design for use as lift equipment exceeds the maximum weight and
8 width limitations prescribed by statute is subject to registration
9 under Chapter 502 or eligible for the distinguishing license plate
10 provided by Section 504.504 [~~502.276~~].

11 SECTION 5. Section 623.001, Transportation Code, is amended
12 to read as follows:

13 Sec. 623.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

14 (1) "Department" [~~"department"~~] means the Texas
15 Department of Transportation.

16 (2) "Shipper" means a person who consigns the movement
17 of a shipment.

18 (3) "Shipper's certificate of weight" means a document
19 described by Section 623.274.

20 SECTION 6. Chapter 623, Transportation Code, is amended by
21 adding Subchapter N to read as follows:

22 SUBCHAPTER N. ADMINISTRATIVE SANCTIONS

23 Sec. 623.271. ADMINISTRATIVE ENFORCEMENT. (a) The
24 department may investigate and impose an administrative penalty or
25 revoke an oversize or overweight permit issued under this chapter
26 if the person or the holder of the permit, as applicable:

27 (1) provides false information on the permit

1 application or another form required by the department for the
2 issuance of an oversize or overweight permit;

3 (2) violates this chapter, Chapter 621, or Chapter
4 622;

5 (3) violates a rule or order adopted under this
6 chapter, Chapter 621, or Chapter 622; or

7 (4) fails to obtain an oversize or overweight permit
8 if a permit is required.

9 (b) The notice and hearing requirements of Section 643.2525
10 apply to the imposition of an administrative penalty or the
11 revocation of a permit under this section as if the action were
12 being taken under that section.

13 (c) It is an affirmative defense to administrative
14 enforcement under this section that the person or holder of the
15 permit relied on the shipper's certificate of weight.

16 (d) The amount of an administrative penalty imposed under
17 this section is calculated in the same manner as the amount of an
18 administrative penalty imposed under Section 643.251.

19 (e) A person who has been ordered to pay an administrative
20 penalty under this section and the vehicle that is the subject of
21 the enforcement order may not be issued a permit under this chapter
22 until the amount of the penalty has been paid to the department.

23 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FALSE INFORMATION
24 ON CERTIFICATE. (a) The department may investigate and impose an
25 administrative penalty on a shipper who provides false information
26 on a shipper's certificate of weight that the shipper delivers to a
27 person transporting a shipment.

1 (b) The notice and hearing requirements of Section 643.2525
2 apply to the imposition of an administrative penalty under this
3 section as if the action were being taken under that section.

4 (c) The amount of an administrative penalty imposed under
5 this section is calculated in the same manner as the amount of an
6 administrative penalty imposed under Section 643.251.

7 Sec. 623.273. INJUNCTIVE RELIEF. (a) The attorney general,
8 at the request of the department, may petition a district court for
9 appropriate injunctive relief to prevent or abate a violation of
10 this chapter or a rule or order adopted under this chapter.

11 (b) Venue in a suit for injunctive relief under this section
12 is in Travis County.

13 (c) On application for injunctive relief and a finding that
14 a person is violating or has violated this chapter or a rule or
15 order adopted under this chapter, the court shall grant the
16 appropriate relief without bond.

17 (d) The attorney general and the department may recover
18 reasonable expenses incurred in obtaining injunctive relief under
19 this section, including court costs, reasonable attorney's fees,
20 investigative costs, witness fees, and deposition expenses.

21 Sec. 623.274. SHIPPER'S CERTIFICATE OF WEIGHT. (a) The
22 department shall prescribe a form to be used for a shipper's
23 certificate of weight. The form must provide space for the maximum
24 weight of the shipment being transported.

25 (b) For a shipper's certificate of weight to be valid, the
26 shipper must:

27 (1) certify that the information contained on the form

1 is accurate; and

2 (2) deliver the certificate to the motor carrier or
3 other person transporting the shipment before the motor carrier or
4 other person applies for an overweight permit under this chapter.

5 SECTION 7. Section 643.001, Transportation Code, is amended
6 by adding Subdivision (7-a) to read as follows:

7 (7-a) "Unified carrier registration system" means a
8 motor vehicle registration system established under 49 U.S.C.
9 Section 14504a or a similar federal registration program that
10 replaces that system.

11 SECTION 8. Section 643.002, Transportation Code, is amended
12 to read as follows:

13 Sec. 643.002. EXEMPTIONS. This chapter does not apply to:

14 (1) motor carrier operations exempt from registration
15 by the Unified Carrier Registration Act of 2005 or a motor vehicle
16 registered under the single state registration system established
17 under 49 U.S.C. Section 14504(c) when operating exclusively in
18 interstate or international commerce;

19 (2) a motor vehicle registered as a cotton vehicle
20 under Section 504.505 [~~502.277~~];

21 (3) a motor vehicle the department by rule exempts
22 because the vehicle is subject to comparable registration and a
23 comparable safety program administered by another governmental
24 entity;

25 (4) a motor vehicle used to transport passengers
26 operated by an entity whose primary function is not the
27 transportation of passengers, such as a vehicle operated by a

1 hotel, day-care center, public or private school, nursing home, or
2 similar organization;

3 (5) a vehicle operating under a private carrier permit
4 issued under Chapter 42, Alcoholic Beverage Code; or

5 (6) a vehicle operated by a governmental entity.

6 SECTION 9. Section 643.251(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department may impose an administrative penalty
9 against a motor carrier required to register under Subchapter B
10 that violates this chapter [~~Subchapter B or C or Section 643.151,~~
11 ~~643.152, 643.153(a)-(f), or 643.155]~~ or a rule or order adopted
12 under this chapter [~~those provisions or Section 643.003. The~~
13 ~~department shall designate one or more employees to investigate~~
14 ~~violations and administer penalties under this section)].~~

15 SECTION 10. The heading to Section 643.252, Transportation
16 Code, is amended to read as follows:

17 Sec. 643.252. ADMINISTRATIVE SANCTIONS [~~SUSPENSION AND~~
18 ~~REVOCAION OF REGISTRATION)].~~

19 SECTION 11. Section 643.252(a), Transportation Code, is
20 amended to read as follows:

21 (a) The department may suspend, [~~or~~] revoke, or deny a
22 registration issued under this chapter or place on probation a
23 motor carrier whose registration is suspended if a motor carrier:

24 (1) fails to maintain insurance or evidence of
25 financial responsibility as required by Section 643.101(a), (b),
26 (c), or (d);

27 (2) fails to keep evidence of insurance in the cab of

1 each vehicle as required by Section 643.103(b);

2 (3) fails to register a vehicle requiring
3 registration;

4 (4) violates any other provision of this chapter;

5 (5) knowingly provides false information on any form
6 filed with the department under this chapter; or

7 (6) [~~45~~] violates a rule or order adopted under this
8 chapter [~~Section 643.063~~].

9 SECTION 12. Subchapter F, Chapter 643, Transportation Code,
10 is amended by adding Section 643.2525 to read as follows:

11 Sec. 643.2525. ADMINISTRATIVE HEARING PROCESS. (a) If the
12 department determines that a violation has occurred for which an
13 enforcement action is being taken under Section 643.251 or 643.252,
14 the department shall give written notice to the motor carrier by
15 first class mail to the carrier's address as shown in the records of
16 the department.

17 (b) A notice required by Subsection (a) must include:

18 (1) a brief summary of the alleged violation;

19 (2) a statement of each administrative sanction being
20 taken;

21 (3) the effective date of each sanction;

22 (4) a statement informing the carrier of the carrier's
23 right to request a hearing; and

24 (5) a statement as to the procedure for requesting a
25 hearing, including the period during which a request must be made.

26 (c) If not later than the 26th day after the date the notice
27 is mailed the department receives a written request for a hearing,

1 the department shall set a hearing and give notice of the hearing to
2 the carrier. The hearing shall be conducted by an administrative
3 law judge of the State Office of Administrative Hearings.

4 (d) If the motor carrier does not timely request a hearing
5 under Subsection (c), the department's decision becomes final on
6 the expiration of the period described by Subsection (c).

7 (e) The administrative law judge shall make findings of fact
8 and conclusions of law and promptly issue to the director a proposal
9 for a decision as to the occurrence of the violation and the
10 administrative penalties or sanctions.

11 (f) In addition to a penalty or sanction proposed under
12 Subsection (e), the administrative law judge shall include in the
13 proposal for a decision a finding setting out costs, fees,
14 expenses, and reasonable and necessary attorney's fees incurred by
15 the state in bringing the proceeding. The director may adopt the
16 finding and make it a part of a final order entered in the
17 proceeding.

18 (g) Based on the findings of fact, conclusions of law, and
19 proposal for a decision, the director by order may find that a
20 violation has occurred and impose the sanctions or may find that a
21 violation has not occurred.

22 (h) The director shall provide written notice to the motor
23 carrier of a finding made under Subsection (g) and shall include in
24 the notice a statement of the right of the carrier to judicial
25 review of the order.

26 (i) Before the 31st day after the date the director's order
27 under Subsection (g) becomes final as provided by Section 2001.144,

1 Government Code, the motor carrier may appeal the order by filing a
2 petition for judicial review contesting the order. Judicial review
3 is under the substantial evidence rule.

4 (j) A petition filed under Subsection (i) stays the
5 enforcement of the administrative action until the earlier of the
6 550th day after the date the petition was filed or the date a final
7 judgment is rendered by the court.

8 (k) If the motor carrier is required to pay a penalty or cost
9 under Subsection (f), failure to pay the penalty or cost before the
10 61st day after the date the requirement becomes final is a violation
11 of this chapter and may result in an additional penalty, revocation
12 or suspension of a motor carrier registration, or denial of renewal
13 of a motor carrier registration.

14 (l) A motor carrier that is required to pay a penalty, cost,
15 fee, or expense under this section or Section 643.251 is not
16 eligible for a reinstatement or renewal of a registration under
17 this chapter until all required amounts have been paid to the
18 department.

19 (m) If the suspension of a motor carrier's registration is
20 probated, the department may require the carrier to report
21 regularly to the department on any matter that is the basis of the
22 probation. Any violation of the probation may result in the
23 imposition of an administrative penalty or the revocation of the
24 registration.

25 (n) All proceedings under this section are subject to
26 Chapter 2001, Government Code.

27 SECTION 13. Section 643.254(a), Transportation Code, is

1 amended to read as follows:

2 (a) To investigate an alleged violation of this chapter or a
3 rule or order adopted under this chapter [~~Subchapter B, C, or D~~], an
4 officer or employee of the department who has been certified for the
5 purpose by the director may enter a motor carrier's premises to
6 inspect, copy, or verify the correctness of a document, including
7 an operation log or insurance certificate.

8 SECTION 14. Subchapter F, Chapter 643, Transportation Code,
9 is amended by adding Section 643.255 to read as follows:

10 Sec. 643.255. INJUNCTIVE RELIEF. (a) The attorney general,
11 at the request of the department, may petition a district court for
12 appropriate injunctive relief to prevent or abate a violation of
13 this chapter or a rule or order adopted under this chapter.

14 (b) Venue in a suit for injunctive relief under this section
15 is in Travis County.

16 (c) On application for injunctive relief and a finding that
17 a person is violating or has violated this chapter or a rule or
18 order adopted under this chapter, the court shall grant the
19 appropriate relief without bond.

20 (d) The attorney general and the department may recover
21 reasonable expenses incurred in obtaining injunctive relief under
22 this section, including court costs, reasonable attorney's fees,
23 investigative costs, witness fees, and deposition expenses.

24 SECTION 15. Section 645.001, Transportation Code, is
25 amended to read as follows:

26 Sec. 645.001. FEDERAL MOTOR CARRIER [~~SINGLE STATE~~]
27 REGISTRATION. The Texas Department of Transportation may [~~shall~~],

1 to the fullest extent practicable, participate in a federal motor
2 carrier registration program under the unified carrier
3 registration system as defined by Section 643.001 or the single
4 state registration system established under 49 U.S.C. Section
5 14504.

6 SECTION 16. Section 645.003, Transportation Code, is
7 amended to read as follows:

8 Sec. 645.003. ENFORCEMENT RULES. The department shall
9 adopt rules that are consistent with federal law providing for [+

10 [~~1~~] administrative penalties and sanctions for a
11 failure to register as required by the unified carrier registration
12 system or single state registration system or for a violation of
13 this chapter or a rule adopted under this chapter in the same manner
14 as Subchapter F, Chapter 643 [~~Section 643.251, and~~

15 [~~2~~] ~~suspension and revocation of registration in the~~
16 ~~same manner as Section 643.252~~].

17 SECTION 17. The following laws are repealed:

18 (1) Sections 643.251(d), (e), (f), (g), (h), (i), (j),
19 (k), (l), (m), (n), (o), (p), (q), and (r), Transportation Code; and

20 (2) Sections 643.252(c), (d), and (e), Transportation
21 Code.

22 SECTION 18. (a) Subchapter N, Chapter 623, Transportation
23 Code, as added by this Act, applies only to a violation that occurs,
24 or information that is provided to the Texas Department of
25 Transportation, on or after the effective date of this Act.

26 (b) Section 643.2525, Transportation Code, as added by this
27 Act, applies only to a violation for which an enforcement action

1 under Section 643.251 or 643.252, Transportation Code, is commenced
2 on or after the effective date of this Act, regardless of when the
3 violation occurred. An action commenced under Section 643.251 or
4 643.252, Transportation Code, before the effective date of this Act
5 is governed by the law in effect immediately before the effective
6 date of this Act, and the former law is continued in effect for that
7 purpose.

8 (c) The changes in law made by this Act relating to the
9 amount or disposition of a fee collected by the Texas Department of
10 Transportation in connection with a permit for an overweight or
11 oversize vehicle apply only to a permit that is applied for on or
12 after the effective date of this Act.

13 SECTION 19. This Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

Atty. Gen.
Secretary of the Senate

By: Hill/Carona

H.B. No. 2093

Substitute the following for H.B. No. 2093:

By: Carona

C.S. H.B. No. 2093

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the issuance and enforcement of motor carrier
3 overweight or oversize vehicle permits and motor carrier
4 registrations; providing administrative penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE. The
7 legislature finds that as the economy of this state continues its
8 steady growth, significant increases in the amount of freight
9 moving on the roadways of this state have followed suit; that the
10 demand for oversize and overweight permits issued by the motor
11 carrier division of the Texas Department of Transportation has long
12 since surpassed the department's capacity to keep pace; and that
13 the department's inability to service the needs of the trucking
14 industry has resulted in extreme delays in the issuance of permits
15 by the motor carrier division, which negatively impact not only the
16 motor carriers involved but also the shipping public they serve.
17 The purposes of this Act are to increase the fees charged for
18 permits issued by the motor carrier division of the Texas
19 Department of Transportation, to address enforcement efforts
20 against violators of the motor vehicle size and weight laws of this
21 state, and to provide a significant increase in revenue realized by
22 this state from increased permit fees, a portion of which will be
23 used to address the growing problem of the untimely issuance of
24 oversize and overweight permits by retaining an increased number of

1 appropriate private sector service providers to perform necessary
2 bridge and route inspections and a portion of which will be used to
3 add at least 25 full-time employees to the number employed by the
4 motor carrier division.

5 SECTION 2. Section 621.353(c), Transportation Code, is
6 amended to read as follows:

7 (c) The comptroller shall send each fee collected under
8 Section 623.0111 [~~623.0112~~] for an excess weight permit to the
9 counties designated on the application for the permit, with each
10 county shown on the application receiving an amount determined
11 according to the ratio of the total number of miles of county roads
12 maintained by the county to the total number of miles of county
13 roads maintained by all of the counties designated on the
14 application.

15 SECTION 3. Section 623.0111, Transportation Code, is
16 amended by amending Subsection (a) and adding Subsection (c) to
17 read as follows:

18 (a) When a person applies for a permit under Section
19 623.011, the person must:

20 (1) designate in the application each county in which
21 the vehicle will be operated; and

22 (2) pay in addition to other fees an annual fee in an
23 amount determined according to the following table:

24	Number of Counties Designated	Fee
25	<u>1-5</u>	<u>\$175</u>
26	<u>6</u> [1]-20	<u>\$250</u> [\$125]
27	21-40	<u>\$450</u> [\$345]

1	41-60	<u>\$625</u> [\$565]
2	61-80	<u>\$800</u> [\$785]
3	81-100	<u>\$900</u> [\$1,005]
4	101-254	<u>\$1,000</u> [\$2,000]

5 (c) Of the fees collected under Subsection (a) the following
6 amounts shall be deposited to the general revenue fund and the
7 remainder shall be deposited to the credit of the state highway
8 fund:

9	<u>Number of Counties</u>	<u>Amount Allocated to</u>
10	<u>Designated</u>	<u>General Revenue Fund</u>
11	<u>1-5</u>	<u>\$125</u>
12	<u>6-20</u>	<u>\$125</u>
13	<u>21-40</u>	<u>\$345</u>
14	<u>41-60</u>	<u>\$565</u>
15	<u>61-80</u>	<u>\$785</u>
16	<u>81-100</u>	<u>\$900</u>
17	<u>101-254</u>	<u>\$1,000</u>

18 SECTION 4. Section 623.076, Transportation Code, is amended
19 by amending Subsections (a) and (c) and adding Subsection (a-1) to
20 read as follows:

21 (a) An application for a permit under this subchapter must
22 be accompanied by a permit fee of:

- 23 (1) \$60 [~~\$30~~] for a single-trip permit;
- 24 (2) \$120 [~~\$60~~] for a permit that is valid for a period
25 not exceeding 30 days;
- 26 (3) \$180 [~~\$90~~] for a permit that is valid for a period
27 of 31 days or more but not exceeding 60 days;

1 (4) \$240 [~~\$120~~] for a permit that is valid for a period
2 of 61 days or more but not exceeding 90 days; or

3 (5) \$270 [~~\$135~~] for a permit issued under Section
4 623.071(c)(1) or (2).

5 (a-1) The following amounts collected under Subsection (a)
6 shall be deposited to the general revenue fund and the remainder
7 deposited to the credit of the state highway fund:

<u>Amount of Fee</u>	<u>Amount Allocated to General Revenue Fund</u>
<u>\$60 (single-trip permit)</u>	<u>\$30</u>
<u>\$120 (30-day permit)</u>	<u>\$60</u>
<u>\$180</u>	<u>\$90</u>
<u>\$240</u>	<u>\$120</u>
<u>\$270</u>	<u>\$135</u>

14 (c) An application for a permit under Section 623.071(c)(3)
15 or (d) must be accompanied by the permit fee established by the
16 commission for the permit, not to exceed \$7,000 [~~\$3,500~~]. Of each
17 fee collected under this subsection, the department shall send:

18 (1) the first \$1,000 to the comptroller for deposit to
19 the credit of the general revenue fund; and

20 (2) any amount in excess of \$1,000 to the comptroller
21 for deposit to the credit of the state highway fund.

22 SECTION 5. Section 623.077(a), Transportation Code, is
23 amended to read as follows:

24 (a) An applicant for a permit under this subchapter, other
25 than a permit under Section 623.071(c)(3), must also pay a highway
26 maintenance fee in an amount determined according to the following
27 table:

1	Vehicle Weight in Pounds	Fee
2	80,001 to 120,000	<u>\$150</u> [\$50]
3	120,001 to 160,000	<u>\$225</u> [\$75]
4	160,001 to 200,000	<u>\$300</u> [\$100]
5	200,001 and above	<u>\$375</u> [\$125]

6 SECTION 6. Sections 623.096(a) and (b), Transportation
7 Code, are amended to read as follows:

8 (a) The department shall collect a fee of \$40 [~~\$20~~] for each
9 permit issued under this subchapter. Of each fee, \$19.70 [~~30 cents~~]
10 shall be deposited to the credit of the general revenue fund and the
11 remainder deposited to the credit of the state highway fund.

12 (b) The department shall adopt rules concerning fees for
13 each annual permit issued under Section 623.095(c) at a cost not to
14 exceed \$3,000 [~~\$1,500~~]. [~~Two percent of any fee adopted shall be~~
15 ~~deposited to the credit of the state highway fund.~~]

16 SECTION 7. Section 623.124, Transportation Code, is amended
17 to read as follows:

18 Sec. 623.124. FEE. (a) An application for a permit must be
19 accompanied by a fee of \$15 [~~\$7.50~~].

20 (b) The department shall send each fee collected under this
21 section to the comptroller. Of each fee received from the
22 department, the comptroller shall deposit \$7.50 to the credit of
23 the general revenue fund and \$7.50 to the credit of the state
24 highway fund.

25 SECTION 8. Section 623.144, Transportation Code, is amended
26 to read as follows:

27 Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this

1 subchapter may be issued only if the vehicle is registered under
2 Chapter 502 for the maximum gross weight applicable to the vehicle
3 under Section 621.101 or has the distinguishing license plates as
4 provided by Section 504.504 [~~502.276~~] if applicable to the vehicle.

5 SECTION 9. Section 623.149(a), Transportation Code, is
6 amended to read as follows:

7 (a) The department may establish criteria to determine
8 whether oil well servicing, oil well clean out, or oil well drilling
9 machinery or equipment is subject to registration under Chapter 502
10 or eligible for the distinguishing license plate provided by
11 Section 504.504 [~~502.276~~].

12 SECTION 10. Section 623.182, Transportation Code, is
13 amended to read as follows:

14 Sec. 623.182. PERMIT FEE. (a) The fee for a permit under
15 this subchapter is \$100 [~~\$50~~].

16 (b) The department shall send each fee collected under this
17 subchapter to the comptroller. Of each fee received from the
18 department, the comptroller shall deposit \$50 to the credit of the
19 general revenue fund and \$50 to the credit of the state highway
20 fund.

21 SECTION 11. Section 623.194, Transportation Code, is
22 amended to read as follows:

23 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
24 subchapter may be issued only if the vehicle to be moved is
25 registered under Chapter 502 for the maximum gross weight
26 applicable to the vehicle under Section 621.101 or has the
27 distinguishing license plates as provided by Section 504.504

1 [502.276] if applicable to the vehicle.

2 SECTION 12. Section 623.199(a), Transportation Code, is
3 amended to read as follows:

4 (a) The department may establish criteria to determine
5 whether an unladen lift equipment motor vehicle that because of its
6 design for use as lift equipment exceeds the maximum weight and
7 width limitations prescribed by statute is subject to registration
8 under Chapter 502 or eligible for the distinguishing license plate
9 provided by Section 504.504 [502.276].

10 SECTION 13. Section 623.001, Transportation Code, is
11 amended to read as follows:

12 Sec. 623.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

13 (1) "Department" [~~"department"~~] means the Texas
14 Department of Transportation.

15 (2) "Shipper" means a person who consigns the movement
16 of a shipment.

17 (3) "Shipper's certificate of weight" means a document
18 described by Section 623.274.

19 SECTION 14. Chapter 623, Transportation Code, is amended by
20 adding Subchapter N to read as follows:

21 SUBCHAPTER N. ADMINISTRATIVE SANCTIONS

22 Sec. 623.271. ADMINISTRATIVE ENFORCEMENT. (a) The
23 department may investigate and, except as provided by Subsection
24 (f), may impose an administrative penalty or revoke an oversize or
25 overweight permit issued under this chapter if the person or the
26 holder of the permit, as applicable:

27 (1) provides false information on the permit

1 application or another form required by the department for the
2 issuance of an oversize or overweight permit;

3 (2) violates this chapter, Chapter 621, or Chapter
4 622;

5 (3) violates a rule or order adopted under this
6 chapter, Chapter 621, or Chapter 622; or

7 (4) fails to obtain an oversize or overweight permit
8 if a permit is required.

9 (b) The notice and hearing requirements of Section 643.2525
10 apply to the imposition of an administrative penalty or the
11 revocation of a permit under this section as if the action were
12 being taken under that section.

13 (c) It is an affirmative defense to administrative
14 enforcement under this section that the person or holder of the
15 permit relied on the shipper's certificate of weight.

16 (d) The amount of an administrative penalty imposed under
17 this section is calculated in the same manner as the amount of an
18 administrative penalty imposed under Section 643.251.

19 (e) A person who has been ordered to pay an administrative
20 penalty under this section and the vehicle that is the subject of
21 the enforcement order may not be issued a permit under this chapter
22 until the amount of the penalty has been paid to the department.

23 (f) This subsection applies only to a vehicle or combination
24 that is used to transport agricultural products or timber products
25 from the place of production to the place of first marketing or
26 first processing. In connection with a violation of a vehicle or
27 combination weight restriction or limitation in this chapter,

1 Chapter 621, or Chapter 622, the department may not impose an
2 administrative penalty against a person or the holder of an
3 overweight permit if the weight of the vehicle or combination
4 involved in the violation did not exceed the allowable weight by
5 more than three percent.

6 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FALSE INFORMATION
7 ON CERTIFICATE. (a) The department may investigate and impose an
8 administrative penalty on a shipper who provides false information
9 on a shipper's certificate of weight that the shipper delivers to a
10 person transporting a shipment.

11 (b) The notice and hearing requirements of Section 643.2525
12 apply to the imposition of an administrative penalty under this
13 section as if the action were being taken under that section.

14 (c) The amount of an administrative penalty imposed under
15 this section is calculated in the same manner as the amount of an
16 administrative penalty imposed under Section 643.251.

17 Sec. 623.273. INJUNCTIVE RELIEF. (a) The attorney
18 general, at the request of the department, may petition a district
19 court for appropriate injunctive relief to prevent or abate a
20 violation of this chapter or a rule or order adopted under this
21 chapter.

22 (b) Venue in a suit for injunctive relief under this section
23 is in Travis County.

24 (c) On application for injunctive relief and a finding that
25 a person is violating or has violated this chapter or a rule or
26 order adopted under this chapter, the court shall grant the
27 appropriate relief without bond.

1 (d) The attorney general and the department may recover
2 reasonable expenses incurred in obtaining injunctive relief under
3 this section, including court costs, reasonable attorney's fees,
4 investigative costs, witness fees, and deposition expenses.

5 Sec. 623.274. SHIPPER'S CERTIFICATE OF WEIGHT. (a) The
6 department shall prescribe a form to be used for a shipper's
7 certificate of weight. The form must provide space for the maximum
8 weight of the shipment being transported.

9 (b) For a shipper's certificate of weight to be valid, the
10 shipper must:

11 (1) certify that the information contained on the form
12 is accurate; and

13 (2) deliver the certificate to the motor carrier or
14 other person transporting the shipment before the motor carrier or
15 other person applies for an overweight permit under this chapter.

16 SECTION 15. Section 643.001, Transportation Code, is
17 amended by adding Subdivision (7-a) to read as follows:

18 (7-a) "Unified carrier registration system" means a
19 motor vehicle registration system established under 49 U.S.C.
20 Section 14504a or a similar federal registration program that
21 replaces that system.

22 SECTION 16. Section 643.002, Transportation Code, is
23 amended to read as follows:

24 Sec. 643.002. EXEMPTIONS. This chapter does not apply to:

25 (1) motor carrier operations exempt from registration
26 by the Unified Carrier Registration Act of 2005 (49 U.S.C. Section
27 14504a) or a motor vehicle registered under the single state

1 registration system established under 49 U.S.C. Section 14504(c)
2 when operating exclusively in interstate or international
3 commerce;

4 (2) a motor vehicle registered as a cotton vehicle
5 under Section 504.505 [~~502.277~~];

6 (3) a motor vehicle the department by rule exempts
7 because the vehicle is subject to comparable registration and a
8 comparable safety program administered by another governmental
9 entity;

10 (4) a motor vehicle used to transport passengers
11 operated by an entity whose primary function is not the
12 transportation of passengers, such as a vehicle operated by a
13 hotel, day-care center, public or private school, nursing home, or
14 similar organization;

15 (5) a vehicle operating under a private carrier permit
16 issued under Chapter 42, Alcoholic Beverage Code; or

17 (6) a vehicle operated by a governmental entity.

18 SECTION 17. Section 643.251(a), Transportation Code, is
19 amended to read as follows:

20 (a) The department may impose an administrative penalty
21 against a motor carrier required to register under Subchapter B
22 that violates this chapter [~~Subchapter B or C or Section 643.151,~~
23 ~~643.152, 643.153(a)-(f), or 643.155~~] or a rule or order adopted
24 under this chapter [~~those provisions or Section 643.003. The~~
25 ~~department shall designate one or more employees to investigate~~
26 ~~violations and administer penalties under this section].~~

27 SECTION 18. The heading to Section 643.252, Transportation

1 Code, is amended to read as follows:

2 Sec. 643.252. ADMINISTRATIVE SANCTIONS [~~SUSPENSION AND~~
3 ~~REVOCATION OF REGISTRATION~~].

4 SECTION 19. Section 643.252(a), Transportation Code, is
5 amended to read as follows:

6 (a) The department may suspend, [~~or~~] revoke, or deny a
7 registration issued under this chapter or place on probation a
8 motor carrier whose registration is suspended if a motor carrier:

9 (1) fails to maintain insurance or evidence of
10 financial responsibility as required by Section 643.101(a), (b),
11 (c), or (d);

12 (2) fails to keep evidence of insurance in the cab of
13 each vehicle as required by Section 643.103(b);

14 (3) fails to register a vehicle requiring
15 registration;

16 (4) violates any other provision of this chapter;

17 (5) knowingly provides false information on any form
18 filed with the department under this chapter; or

19 (6) [~~(5)~~] violates a rule or order adopted under this
20 chapter [~~Section 643.063~~].

21 SECTION 20. Subchapter F, Chapter 643, Transportation Code,
22 is amended by adding Section 643.2525 to read as follows:

23 Sec. 643.2525. ADMINISTRATIVE HEARING PROCESS. (a) If the
24 department determines that a violation has occurred for which an
25 enforcement action is being taken under Section 643.251 or 643.252,
26 the department shall give written notice to the motor carrier by
27 first class mail to the carrier's address as shown in the records of

1 the department.

2 (b) A notice required by Subsection (a) must include:

3 (1) a brief summary of the alleged violation;

4 (2) a statement of each administrative sanction being
5 taken;

6 (3) the effective date of each sanction;

7 (4) a statement informing the carrier of the carrier's
8 right to request a hearing; and

9 (5) a statement as to the procedure for requesting a
10 hearing, including the period during which a request must be made.

11 (c) If not later than the 26th day after the date the notice
12 is mailed the department receives a written request for a hearing,
13 the department shall set a hearing and give notice of the hearing to
14 the carrier. The hearing shall be conducted by an administrative
15 law judge of the State Office of Administrative Hearings.

16 (d) If the motor carrier does not timely request a hearing
17 under Subsection (c), the department's decision becomes final on
18 the expiration of the period described by Subsection (c).

19 (e) The administrative law judge shall make findings of fact
20 and conclusions of law and promptly issue to the director a proposal
21 for a decision as to the occurrence of the violation and the
22 administrative penalties or sanctions.

23 (f) In addition to a penalty or sanction proposed under
24 Subsection (e), the administrative law judge shall include in the
25 proposal for a decision a finding setting out costs, fees,
26 expenses, and reasonable and necessary attorney's fees incurred by
27 the state in bringing the proceeding. The director may adopt the

1 finding and make it a part of a final order entered in the
2 proceeding.

3 (g) Based on the findings of fact, conclusions of law, and
4 proposal for a decision, the director by order may find that a
5 violation has occurred and impose the sanctions or may find that a
6 violation has not occurred.

7 (h) The director shall provide written notice to the motor
8 carrier of a finding made under Subsection (g) and shall include in
9 the notice a statement of the right of the carrier to judicial
10 review of the order.

11 (i) Before the 31st day after the date the director's order
12 under Subsection (g) becomes final as provided by Section 2001.144,
13 Government Code, the motor carrier may appeal the order by filing a
14 petition for judicial review contesting the order. Judicial review
15 is under the substantial evidence rule.

16 (j) A petition filed under Subsection (i) stays the
17 enforcement of the administrative action until the earlier of the
18 550th day after the date the petition was filed or the date a final
19 judgment is rendered by the court.

20 (k) If the motor carrier is required to pay a penalty or cost
21 under Subsection (f), failure to pay the penalty or cost before the
22 61st day after the date the requirement becomes final is a violation
23 of this chapter and may result in an additional penalty, revocation
24 or suspension of a motor carrier registration, or denial of renewal
25 of a motor carrier registration.

26 (l) A motor carrier that is required to pay a penalty, cost,
27 fee, or expense under this section or Section 643.251 is not

1 eligible for a reinstatement or renewal of a registration under
2 this chapter until all required amounts have been paid to the
3 department.

4 (m) If the suspension of a motor carrier's registration is
5 probated, the department may require the carrier to report
6 regularly to the department on any matter that is the basis of the
7 probation. Any violation of the probation may result in the
8 imposition of an administrative penalty or the revocation of the
9 registration.

10 (n) All proceedings under this section are subject to
11 Chapter 2001, Government Code.

12 SECTION 21. Section 643.254(a), Transportation Code, is
13 amended to read as follows:

14 (a) To investigate an alleged violation of this chapter or a
15 rule or order adopted under this chapter [~~Subchapter B, C, or D~~], an
16 officer or employee of the department who has been certified for the
17 purpose by the director may enter a motor carrier's premises to
18 inspect, copy, or verify the correctness of a document, including
19 an operation log or insurance certificate.

20 SECTION 22. Subchapter F, Chapter 643, Transportation Code,
21 is amended by adding Section 643.255 to read as follows:

22 Sec. 643.255. INJUNCTIVE RELIEF. (a) The attorney general,
23 at the request of the department, may petition a district court for
24 appropriate injunctive relief to prevent or abate a violation of
25 this chapter or a rule or order adopted under this chapter.

26 (b) Venue in a suit for injunctive relief under this section
27 is in Travis County.

1 (c) On application for injunctive relief and a finding that
2 a person is violating or has violated this chapter or a rule or
3 order adopted under this chapter, the court shall grant the
4 appropriate relief without bond.

5 (d) The attorney general and the department may recover
6 reasonable expenses incurred in obtaining injunctive relief under
7 this section, including court costs, reasonable attorney's fees,
8 investigative costs, witness fees, and deposition expenses.

9 SECTION 23. Section 645.001, Transportation Code, is
10 amended to read as follows:

11 Sec. 645.001. FEDERAL MOTOR CARRIER [~~SINGLE STATE~~]
12 REGISTRATION. The Texas Department of Transportation may [~~shall~~],
13 to the fullest extent practicable, participate in a federal motor
14 carrier registration program under the unified carrier
15 registration system as defined by Section 643.001 or the single
16 state registration system established under 49 U.S.C. Section
17 14504.

18 SECTION 24. Section 645.003, Transportation Code, is
19 amended to read as follows:

20 Sec. 645.003. ENFORCEMENT RULES. The department shall
21 adopt rules that are consistent with federal law providing for[+]

22 [~~(1)~~] administrative penalties and sanctions for a
23 failure to register as required by the unified carrier registration
24 system or single state registration system or for a violation of
25 this chapter or a rule adopted under this chapter in the same manner
26 as Subchapter F, Chapter 643 [~~Section 643.251, and~~

27 [~~(2)~~] suspension and revocation of registration in the

1 ~~same manner as Section 643.252].~~

2 SECTION 25. The following laws are repealed:

3 (1) Sections 643.251(d), (e), (f), (g), (h), (i), (j),
4 (k), (l), (m), (n), (o), (p), (q), and (r), Transportation Code; and

5 (2) Sections 643.252(c), (d), and (e), Transportation
6 Code.

7 SECTION 26. (a) Subchapter N, Chapter 623, Transportation
8 Code, as added by this Act, applies only to a violation that occurs,
9 or information that is provided to the Texas Department of
10 Transportation, on or after the effective date of this Act.

11 (b) Section 643.2525, Transportation Code, as added by this
12 Act, applies only to a violation for which an enforcement action
13 under Section 643.251 or 643.252, Transportation Code, is commenced
14 on or after the effective date of this Act, regardless of when the
15 violation occurred. An action commenced under Section 643.251 or
16 643.252, Transportation Code, before the effective date of this Act
17 is governed by the law in effect immediately before the effective
18 date of this Act, and the former law is continued in effect for that
19 purpose.

20 (c) The changes in law made by this Act relating to the
21 amount or disposition of a fee collected by the Texas Department of
22 Transportation in connection with a permit for an overweight or
23 oversize vehicle apply only to a permit that is applied for on or
24 after the effective date of this Act.

25 SECTION 27. This Act takes effect September 1, 2007.

Amend C.S.H.B. 2093 as follows:

On page 7 of the Senate Committee Report printing, strike lines 54 through 58 and insert subsections (c) and (d) to read as follows:

(c) Except as otherwise provided by subsection (d), the changes in law made by this Act relating to the amount or disposition of a fee collected by the Texas Department of Transportation in connection with a permit for an overweight or oversize vehicle apply only to a permit that is applied for on or after the effective date of this Act.

(d) The changes in law made by this Act relating to the amount or disposition of a fee collected by the Texas Department of Transportation do not apply to a permit for an overweight or oversize vehicle applied for in connection with the delivery of materials pursuant to a construction contract for a public infrastructure project let prior to the effective date of this Act. The amount or disposition of the fee for the permit is governed by the law in effect at the time the construction contract was let, and the former law is continued in effect for that purpose.

ADOPTED

MAY 22 2007

Ratay Spaw
Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Hill (Relating to the issuance and enforcement of motor carrier overweight or oversize vehicle permits and motor carrier registrations; providing administrative penalties.),
Committee Report 2nd House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB2093, Committee Report 2nd House, Substituted: a negative impact of (\$81,560) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$38,645)
2009	(\$42,915)
2010	(\$47,290)
2011	(\$51,665)
2012	(\$57,145)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain from <i>STATE HIGHWAY FUND</i> 6
2008	(\$38,645)	\$51,132,398
2009	(\$42,915)	\$55,114,778
2010	(\$47,290)	\$59,443,978
2011	(\$51,665)	\$64,135,430
2012	(\$57,145)	\$69,238,885

Fiscal Analysis

The bill would amend provisions Transportation Code related to the issuance of motor carrier overweight or oversize vehicle permits and motor carrier registrations. The bill would dedicate the permit fees collected for an excess weight permit to the counties designated on an application for a permit. The bill would increase the variable fees (dependent upon the number of counties a vehicle would be operated in) required for a permit for excess axle or gross weight. The bill would double the cost of a single-trip permit to \$60 from \$30 and double the costs on the multiple-day permit schedule and specify that half of the fee would be deposited to the General Revenue Fund and half to the State Highway Fund (Fund 6). The bill would increase the annual permit to move an implement of husbandry by a dealer or other equipment as part of an agricultural operation to \$270 from \$135. The bill would increase the statutory cap on a permit fee for an annual permit to move super-heavy or oversize equipment to an amount not exceed \$7,000 from the current \$3,500. The bill would triple the maintenance fee schedule based on vehicle weight and assessed on a permit for heavy equipment. The bill

would increase permit fees for transporting manufactured and industrialized housing to \$40 from \$20 and specify that \$19.70 of each fee is to be deposited to the General Revenue Fund and the remainder to Fund 6; and the bill would increase annual permits to move manufactured homes to an amount not to exceed \$3,000 from \$1,500 and remove the requirement that two percent of the fee be deposited to Fund 6. The bill would increase the fee for a permit to move a portable building unit to \$15 from \$7.50, and require half of the fee to be deposited to General Revenue and half to Fund 6. The bill would increase the fee for an annual permit to move unladen lift equipment to \$100 from \$50, and require half of the fee to be deposited to General Revenue and half to Fund 6. The bill would amend the Transportation Code to provide that the Texas Department of Transportation (TxDOT) may investigate and impose administrative penalties and revocations for oversize/overweight permit violations of statute, rule, order, or for providing false information on required forms. The bill would provide that administrative penalties may be imposed under the process currently in effect in the Transportation Code. The bill would authorize TxDOT to deny or revoke a motor carrier registration or permit for violations and for failure to pay administrative penalties. The bill would provide for injunctive relief by the Office of the Attorney General (OAG) at the request of TxDOT and authorize OAG and TxDOT to recover reasonable expenses incurred in obtaining injunctive relief. The bill would establish the procedures to be followed for an administrative hearing at the State Office of Administrative Hearings (SOAH) and would specify that a contested hearing will be held only when the alleged violator requests a hearing.

The bill would take effect on September 1, 2007.

Methodology

TxDOT provided estimates for the number of permits issued by number of counties designated, vehicle weight, and category for each permit and fee affected by the provisions of the bill. Based on the information and analysis provided by TxDOT and the Comptroller, it is assumed the following Sections of the bill would result in the following fiscal impacts to the General Revenue Fund (GR) and the State Highway Fund (Fund 6):

SECTION 3, relating to weight tolerance permit fees variable by number of counties, would result in a revenue gain of approximately \$4.0 million to Fund 6 and an estimated revenue loss of \$39,305 to GR beginning in fiscal year 2008. The revenue and cost implications would increase based on an estimated 10 percent annual increase in permits issued. NOTE: The Comptroller indicates the dedication of excess weight permit fees to the counties under SECTION 2 of the bill appears to conflict with the dedication of permit fees to GR and Fund 6 under SECTION 3.

SECTION 4, relating to permit fees for certain heavy equipment, would result in a revenue gain to Fund 6 of approximately \$24.5 million beginning in fiscal year 2008. The revenue impacts would increase based on an estimated 5 to 10 percent annual increase in permits issued, depending on the permit category.

SECTION 5, relating to highway maintenance fees for certain permits, would result in a revenue gain to Fund 6 of approximately \$20.5 million beginning in fiscal year 2008. The revenue impacts would increase based on an estimated 5 percent annual increase in permits issued.

SECTION 6, relating to manufactured housing single trip and annual permit fees, would result in a revenue gain to Fund 6 of approximately \$1.9 million beginning in fiscal year 2008. The bill would remove the requirement that two percent of the annual permit fee adopted by TxDOT be deposited to Fund 6, which would result in a small revenue loss (\$30 per permit) to Fund 6 and a revenue gain to GR in an equivalent amount, estimated to be \$660 in 2008. The revenue impacts would increase based on an estimated 5 percent annual increase in single trip permits issued and a slight increase in annual permits issued each year.

SECTION 7, relating to permits to transport portable buildings, would result in a revenue gain to Fund 6 of \$144,983 beginning in fiscal year 2008. The revenue impacts would increase based on an estimated 3 percent annual increase in permits issued.

SECTION 10, relating to annual permits for unladen lift equipment motor vehicles, would result in a revenue gain to Fund 6 of \$13,800 beginning in fiscal year 2008. The revenue impacts would increase based on an estimated 5 percent annual increase in permits issued.

The Comptroller indicates that the bill would create revenue dedications that would be subject to funds consolidation review by the current Legislature.

Based on the analysis of TxDOT, the Office of the Attorney General, and the State Office of Administrative Hearings, it is assumed any costs associated with implementing provisions for enforcement of oversize/overweight permit laws and administrative actions could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 601 Department of Transportation, 302 Office of the Attorney General, 360 State Office of Administrative Hearings

LBB Staff: JOB, KJG, MW, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Hill (Relating to the enforcement of motor carrier registration and overweight and oversize permits.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to provide that the Texas Department of Transportation (TxDOT) may investigate and impose administrative penalties and revocations for oversize/overweight permit violations of statute, rule, order, or for providing false information on required forms. The bill would provide that administrative penalties may be imposed under the process currently in effect in the Transportation Code. The bill would authorize TxDOT to deny, revoke, or suspend motor carrier registration for violations and for failure to pay administrative penalties. The bill would provide for injunctive relief by the Office of the Attorney General (OAG) at the request of TxDOT, and would authorize OAG and TxDOT to recover reasonable expenses incurred in obtaining injunctive relief as specified by the bill. The bill would establish the procedures to be followed for an administrative hearing at the State Office of Administrative Hearings (SOAH) and would specify that a contested hearing will be held only when the alleged violator requests a hearing.

This analysis does not estimate the fiscal impact to the State Highway Fund resulting from administrative penalties assessed and collected by TxDOT. Based on the analysis of TxDOT, OAG, and SOAH, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agencies' existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 302 Office of the Attorney General, 360 State Office of Administrative Hearings

LBB Staff: JOB, KJG, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 24, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2093** by Hill (Relating to the enforcement of motor carrier registration and overweight and oversize permits.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to provide that the Texas Department of Transportation (TxDOT) may investigate and impose administrative penalties and revocations for oversize/overweight permit violations of statute, rule, order, or for providing false information on required forms. The bill would provide that administrative penalties may be imposed under the process currently in effect in the Transportation Code. The bill would authorize TxDOT to deny, revoke, or suspend motor carrier registration for violations and for failure to pay administrative penalties. The bill would provide for injunctive relief by the Office of the Attorney General (OAG) at the request of TxDOT, and would authorize OAG and TxDOT to recover reasonable expenses incurred in obtaining injunctive relief as specified by the bill. The bill would establish the procedures to be followed for an administrative hearing at the State Office of Administrative Hearings (SOAH) and would specify that a contested hearing will be held only when the alleged violator requests a hearing.

This analysis does not estimate the fiscal impact to the State Highway Fund resulting from administrative penalties assessed and collected by TxDOT. Based on the analysis of TxDOT, OAG, and SOAH, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agencies' existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 302 Office of the Attorney General, 360 State Office of Administrative Hearings

LBB Staff: JOB, KJG, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 31, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2093 by Hill (Relating to the enforcement of motor carrier registration and overweight and oversize permits.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to provide that the Texas Department of Transportation (TxDOT) may investigate and impose administrative penalties and revocations for oversize/overweight permit violations of statute, rule, order, or for providing false information on required forms. The bill would provide that administrative penalties may be imposed under the process currently in effect in the Transportation Code. The bill would authorize TxDOT to deny, revoke, or suspend motor carrier registration for violations and for failure to pay administrative penalties. The bill would provide for injunctive relief by the Office of the Attorney General (OAG) at the request of TxDOT. The bill would establish the procedures to be followed for an administrative hearing at the State Office of Administrative Hearings (SOAH) and would specify that a contested hearing will be held only when the alleged violator requests a hearing.

This analysis does not estimate the fiscal impact to the State Highway Fund resulting from administrative penalties assessed and collected by TxDOT. Based on the analysis of TxDOT, OAG, and SOAH, it is assumed any costs or duties associated with the implementation of the bill could be absorbed within the agencies' existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 601 Department of Transportation

LBB Staff: JOB, KJG, TG

