

## **BILL ANALYSIS**

C.S.H.B. 1523  
By: Phillips  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Despite oversight by the Texas Department of Motor Vehicles (TxDMV), there are reports that the moving industry has many unregulated operators who advertise one rate for services and then charge another, far more exorbitant rate before unloading a customer's goods. These unregulated operators threaten the integrity of the moving industry as a whole.

C.S.H.B. 1523 seeks to remedy this situation by providing enhanced penalties for a mover's failure to register with TxDMV if the mover has previously committed the registration violation. It has been suggested that a higher penalty will provide protection to consumers by deterring unregulated operators who may view the current fine as a small cost of doing business in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1523 amends the Transportation Code to expand the conduct that constitutes the offense relating to the transportation of household goods for compensation without proper registration to include engaging in the transportation of household goods for compensation without registering with the Texas Department of Motor Vehicles as required by law. The bill makes it a Class C misdemeanor to engage in or solicit the transportation of household goods for compensation without proper registration and removes language making it a misdemeanor offense punishable by a fine of not less than \$200 or more than \$1,000 per violation to solicit the transportation of household goods in that manner. The bill enhances the penalty for the offense of engaging in or soliciting the transportation of household goods for compensation without proper registration to a Class B misdemeanor if the person has previously been convicted one time of the offense and to a Class A misdemeanor if the person has previously been convicted two or more times of the offense.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1523 differs from the original by making the offense of engaging in or soliciting the transportation of household goods without proper registration a Class C misdemeanor, whereas the original makes the offense a Class A misdemeanor. The substitute contains provisions not included in the original enhancing the penalty for the offense to a Class B or Class A misdemeanor based on the number of previous convictions for such an offense.