

**SUBJECT:** Revoking or denying registrations of certain for-hire motor carriers

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

**VOTE:** 9 ayes — Pickett, Phillips, Callegari, Y. Davis, Harper-Brown, McClendon, Merritt, T. Smith, W. Smith

0 nays

2 absent — Dunnam, Guillen

**WITNESSES:** For — Jeff Jones, City of Sherman Fire Department

Against — None

On — (*Registered, but did not testify:* Carol Davis, Texas Department of Transportation; David Palmer, Texas Department of Public Safety)

**BACKGROUND:** Transportation Code, ch. 643 governs registration processes for commercial motor carriers and establishes the Texas Department of Transportation's (TxDOT) role in regulating motor carrier registrations. The code defines motor carrier as an individual, association, corporation, or other legal entity that operates one or more vehicles used to transport persons or cargo over a road or highway in the state.

**DIGEST:** HB 2985 would require TxDOT to revoke or deny a registration issued to any for-hire motor carrier whose required registration with the Federal Motor Carrier Safety Administration (FMCSA) was denied, revoked, or suspended.

The bill would take effect September 1, 2009.

**SUPPORTERS SAY:** HB 2985 would promote safe operations for companies that transport people as part of their regular business, such as chartered bus companies, by coordinating state and federal regulations. The bill is a direct response to a number of serious bus accidents that have taken place recently, including one tragic accident involving the Vietnamese Martyrs Church of Houston in Sherman, Texas. While the bus company involved in the

accident had its license to continue operations between states revoked by the federal government, they retained authorization to operate in Texas.

By requiring TxDOT to track the status of federal licenses of for-hire motor carriers operating in the state, HB 2985 would promote coordination between TxDOT, the Department of Public Safety (DPS), and the federal government. The bill would result in the development of a system to obtain and update federal operating license data, which could then be passed to DPS to assist in enforcement activities. Enhanced coordination between agencies that regulate bus and other passenger transportation companies would be a big step in promoting safe operations for clients of these companies and other drivers on the state's roads.

HB 2985 would require TxDOT to cancel only the registration of a company whose operations were terminated by federal regulatory bodies. If a bus or other passenger transportation company loses the ability to operate across state boundaries, then it should not be allowed to operate in Texas. HB 2985 is concerned specifically with one aspect of motor carrier operations, but nothing in the bill would restrict the possibility of expanding actions that TxDOT could take against a non-registered motor carrier, or of requiring additional information as part of the application process.

OPPONENTS  
SAY:

HB 2985 could do even more to promote safety by requiring for-hire motor carriers to submit information from FMCSA showing federal compliance and allowing TxDOT to impose a cease-and-desist order upon determination that such action is necessary to prevent violation of state provisions on motor carrier registration. The bill also could require TxDOT to conform more specifically their registration process to reflect operating license numbers issued by the federal government.

NOTES:

A related bill, HB 3619 by Harless, requiring certain motor carrier companies to submit a copy of a form issued by Federal Motor Carrier Safety Administration, among other things, has been referred to the House Transportation Committee.