

BILL ANALYSIS

Senate Research Center
77R3489 JAT-F

S.B. 888
By: Ogden
State Affairs
3/27/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently in Texas, there are about 25 noncommissioned personnel at ports-of-entry and 15 at fixed weight inspection systems, but they are not directly authorized to weigh a vehicle, require a vehicle to be weighed, or to direct a vehicle to the nearest scale. S.B. 888 adds provisions to authorize noncommissioned officers to enforce truck weight laws at ports-of-entry and fixed inspection stations under certain conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.402, Transportation Code, by adding Subsection (c), to authorize a noncommissioned employee of the Department of Public Safety (department) who is certified for the purpose by the public safety director and who is supervised by an officer of the department to, in a port-of-entry or at a fixed-site facility, weigh a vehicle, require the vehicle to be weighed, or require a vehicle to be driven to the nearest scale under Subsections (a) and (b).

SECTION 2. Amends Section 621.408, Transportation Code, to provide that, except for the authority granted to a port-of-entry supervisor or inspector by Section 621.409, weight enforcement officers have exclusive authority to enforce this subchapter in any area of this state, including all ports-of-entry between Texas and the United Mexican States. Deletes existing text pertaining to certain territories and the enforcement of all weight limitations for a vehicle. Provides that only a supervising officer may take the enforcement action if a noncommissioned employee weighs a vehicle under Section 621.402 and determines that an enforcement action, such as the issuance of a citation, is warranted.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1.

- (1) Amends page 2, line 6 by striking “the” after the word “warranted” and inserting “only a.”
- (2) Amends page 2, line 7 by striking “must” and inserting “may.”