

BILL ANALYSIS

Senate Research Center

H.B. 2985
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has experienced several fatal passenger bus accidents, including an accident in August 2008, when a commercial passenger bus carrying members of the Vietnamese Martyrs Church of Houston crashed in Sherman, Texas, killing 17 people. The investigation into the Sherman accident raised several issues about the registration and operation of commercial passenger buses, including the ability of a company to continue intrastate operations after the company's federal registration to operate interstate has been revoked by the Federal Motor Carrier Safety Administration (FMCSA).

The Texas Department of Transportation (TxDOT) is currently not required to revoke or deny a motor carrier registration issued by TxDOT to a for-hire motor carrier of passengers if the motor carrier is required to register with FMCSA and the federal registration is denied, revoked, suspended, or otherwise terminated.

H.B. 2985 amends the Transportation Code to require TxDOT to revoke or deny a motor carrier registration issued by TxDOT to a for-hire motor carrier of passengers if the motor carrier is required to register with FMCSA and the federal registration is denied, revoked, suspended, or otherwise terminated.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 4 (Section 643.064, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.023, Transportation Code, by adding Subsection (d) to require that an application filed by the owner or lessee of a foreign commercial motor vehicle, as defined by Section 648.001 (Definitions), be accompanied by a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration (FMCSA) or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

SECTION 2. Amends Section 502.352(c), Transportation Code, to authorize a person to obtain a permit under this section by certain processes, including by submitting a copy of the applicable federal declaration form required by FMCSA or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards. Makes nonsubstantive changes.

SECTION 3. Amends Section 643.052, Transportation Code, as follows:

Sec. 643.052. APPLICATION. Requires that a motor carrier, to register under this subchapter, submit to the Texas Department of Transportation (TxDOT) an application on a form prescribed by TxDOT that includes certain information, including a valid identification number issued to the motor carrier by or under the authority of FMCSA or its successor. Creates Subdivision (8) from existing text. Makes a nonsubstantive change.

SECTION 4. Amends Subchapter B, Chapter 643, Transportation Code, by adding Section 643.064, as follows:

Sec. 643.064. ISSUANCE OF UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. Requires TxDOT by rule to provide for the issuance to a motor carrier of an identification number authorized by FMCSA. Requires that a rule conform to rules of FMCSA or its successor.

SECTION 5. Amends Section 643.252, Transportation Code, by adding Subsection (c), to require that TxDOT revoke or deny a registration issued under this chapter to a for-hire motor carrier of passengers if the motor carrier is required to register with FMCSA and the federal registration is denied, revoked, suspended, or otherwise terminated.

SECTION 6. Amends Subchapter F, Chapter 643, Transportation Code, by adding Section 643.256, as follows:

Sec. 643.256. CEASE AND DESIST ORDER. Authorizes TxDOT to issue a cease and desist order if TxDOT determines that the action is necessary to prevent a violation of this chapter; and protect the public health and safety.

SECTION 7. Requires TxDOT to adopt rules under Section 643.064, Transportation Code, as added by this Act, not later than March 1, 2010.

SECTION 8. Makes application of Sections 501.023 and 643.052, Transportation Code, as amended by this Act, prospective.

SECTION 9. Effective date: September 1, 2009.