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## FISCAL IMPACT REPORT

 NSOR: Whitaker DATE TYPED: 01/21/02 HB 100

SHORT TITLE: Amend Motor Vehicle Carrier Safety Act SB \_\_\_\_\_

ANALYST: Belmares

### REVENUE

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			(3,000.0)	Recurring	Federal Funds

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

Department of Public Safety (DPS)  
Federal Motor Carrier Safety Regulations  
LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 100 exempts certain commercial motor vehicles from the Motor Carrier Safety Act and from regulations promulgated under that act. HB100 would exempt the following intrastate motor carriers:

- a machine generally consisting of a mast, engine, draw works and chassis permanently constructed or assembled to be used in oil or water well servicing or drilling;
- a mobile crane that is an unladen, self-propelled vehicle constructed as a machine used to raise, shift or lower weight; or
- a vehicle transporting a seed cotton module.

#### Significant Issues

DPS asserts that the exemptions created by HB100 would jeopardize approximately \$3.0 million in MCSAP and Federal Highway Administration construction funds.

The Federal Motor Carrier Safety Regulations (FMCSRs) establishes that “No State shall have in effect or enforce any State law or regulation pertaining to commercial motor vehicle safety in inter

state commerce which the administration finds to be incompatible with the provisions of the Federal Motor Carrier Safety Regulations.”

The FMCSRs provide the following definition of a commercial motor vehicle: “Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-

- (1) Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- (2) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations . . . .”

The Department of Public Safety (DPS) asserts the exemptions established by HB100 would place Motor Carrier Safety Assistance Program (MSCAP) and Federal Highway Administration construction funds in jeopardy.

### **FISCAL IMPLICATIONS**

DPS asserts that the exemptions created by HB100 would jeopardize approximately \$3.0 million in MCSAP and Federal Highway Administration construction funds.

### **TECHNICAL ISSUES**

A mobile crane is currently defined as “special mobile equipment” and exempt from the intrastate regulations under the definition of commercial motor vehicles.

### **QUESTIONS**

1. Which vehicles does HB100 envision exempting from the Motor Carrier Safety Act?

EB/njw:ar