

OCCUPATIONS CODE

TITLE 14. REGULATION OF MOTOR VEHICLES AND TRANSPORTATION

SUBTITLE C. REGULATION OF TRANSPORTATION SERVICES

CHAPTER 2401. TRANSPORTATION SERVICE PROVIDERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2401.001. DEFINITIONS. In this chapter:

(1) Repealed by Acts 2003, 78th Leg., ch. 816, Sec. 17.006(1); Acts 2003, 78th Leg., ch. 1276, Sec. 14A.651.

(2) "Department" means the Department of Public Safety.

(2-a) "Executive director" means the executive director of the department.

(3) "Motor carrier" has the meaning assigned by 49 U.S. C. Section 13102.

(4) "Person" means an individual, corporation, partnership, or association.

(5) "Transportation service provider" or "freight forwarder" means a person, other than a motor carrier, who:

(A) represents to the public that the person provides transportation in this state only of property for compensation; and

(B) in the ordinary course of business:

(i) assembles and consolidates, or provides for assembling and consolidating, a shipment;

(ii) performs or provides for break-bulk and distribution operations of a shipment;

(iii) assumes responsibility for the land transportation of property at any place from origin to destination; and

(iv) uses a motor or rail carrier at any time during the transportation.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 816, Sec. 17.001, 17.006(1), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.651(a), (b), eff. Sept. 1, 2003.

Sec. 2401.002. APPLICATION OF CHAPTER. This chapter does not apply to a person who:

(1) acts as a customs broker as defined by 19 U.S.C. Section 1641;

(2) operates trucks and delivery vehicles in the wholesale distribution of alcoholic beverages under Chapter 19, 20, 21, 64, or 65, Alcoholic Beverage Code; or

(3) acts as an ocean freight forwarder as defined by 46 U.S.C. Section 1702.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

#### SUBCHAPTER B. POWERS AND DUTIES

Sec. 2401.052. EXAMINATION OR AUDIT. (a) To administer this chapter, the department may:

(1) examine:

(A) a record maintained under Section 2401.152;  
or

(B) a record or object the department determines is necessary to conduct a complete examination; or

(2) question under oath any person who is associated with the business of a transportation service provider.

(b) The department may periodically audit the business records of a transportation service provider.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 816, Sec. 17.003, eff. Sept. 1, 2003.

#### SUBCHAPTER D. PRACTICE BY TRANSPORTATION SERVICE PROVIDER

Sec. 2401.152. RECORDS. (a) A transportation service provider shall maintain a record for each shipment of property the transportation service provider assumes responsibility for transporting. The record must include:

(1) the name of the shipper of the property;

- (2) the type of property being transported;
- (3) the destination of the property;
- (4) the name of the person receiving the property; and
- (5) the name of the person transporting the property.

(b) The transportation service provider shall keep a copy of the record until at least the fourth anniversary of the date the property is transported.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

#### SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROVISIONS

Sec. 2401.251. CIVIL PENALTY. A transportation service provider who knowingly violates this chapter is liable for a civil penalty of not less than \$100 or more than \$500 for each violation.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 816, Sec. 17.004, eff. Sept. 1, 2003.

Sec. 2401.252. CRIMINAL PENALTY. (a) A transportation service provider commits an offense if the transportation service provider knowingly violates this chapter.

(b) An offense under this section is a Class A misdemeanor.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

Sec. 2401.253. AUTHORITY TO INVESTIGATE AND FILE COMPLAINT.

(a) The department may investigate a violation of this chapter.

(b) Any law enforcement agency may file a complaint with:

- (1) the district attorney of Travis County; or
- (2) the prosecuting attorney of the county in which a

violation is alleged to have occurred.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 5, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 816, Sec. 17.005, eff. Sept. 1, 2003.