

- SUBJECT:** Penalties for transporting household goods without registration
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 7 ayes — Phillips, Y. Davis, Lavender, Martinez, McClendon, Pickett, Rodriguez
- 0 nays
- 4 absent — Darby, Bonnen, Fletcher, Harper-Brown
- WITNESSES:** For — (*Registered, but did not testify:* John Esparza, Southwest Movers Association/Texas Motor Transportation Association; Les Findeisen, Texas Motor Transportation Association; Gary Hendley, Southwest Movers Association)
- Against — None
- On — (*Registered, but did not testify:* David Palmer, Department of Public Safety)
- BACKGROUND:** Transportation Code, sec. 643.253 states that soliciting the transportation of household goods for compensation without properly registering with the Department of Motor Vehicles (DMV) is a misdemeanor punishable by a fine of between \$200 and \$1,000 per violation.
- DIGEST:** CSHB 1523 would make engaging in or soliciting the transportation of household goods for compensation without registering with the DMV a class C misdemeanor (maximum fine of \$500). If the offender previously had been convicted of the offense one time, the offense would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000). If the offender previously had been convicted at least twice, the offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- The bill would take effect September 1, 2011, and would apply only to acts committed on or after the effective date.

SUPPORTERS  
SAY:

By increasing the scale of punishment from first-time to multiple offenses for soliciting or transporting household goods without registering, CSHB 1523 would give law enforcement the proper tools to punish, and more importantly, deter con artists from scamming Texans.

A significant number of con artists who are not registered to transport household goods are scamming Texans, preying particularly on students and on elderly and low-income Texans. They often quote a small to reasonable sum to pack and move household goods, but they hold the goods hostage for a much higher ransom once they are in their possession.

While many of these con artists are scamming thousands of dollars from unsuspecting Texans, the punishment for this offense is only a maximum fine of \$1,000. This provides little or no deterrent for these crimes.

While there could be Texans who are not registered but solicit and engage in the transportation of household goods in good faith, CSHB 1523 is designed to deter multiple offenses with strict penalties, including jail time. A first time offense, already a crime under the Transportation Code, would be a class C misdemeanor – judicial discretion could allow Texans who act in good faith to pay a very small fine.

OPPONENTS  
SAY:

While CSHB 1523 would increase the penalties for those soliciting or engaging in the transportation of household goods for compensation who were not properly registered with the DMV, it would not directly address the behavior of these con artists. Also, there are entrepreneurial Texans who are not con artists but also not fully aware of registration details within the Transportation Code. These Texans could post an advertisement to pack and move a family, do so in good faith, and still be harshly punished by this bill.

OTHER  
OPPONENTS  
SAY:

CSHB 1523 actually would lower the maximum punishment allowed for this offense from \$1,000 to \$500 for first-time offenders. Lowering the deterrent could increase the likelihood of Texans getting scammed.

NOTES:

The committee substitute provides sliding-scale penalties for engaging in or soliciting transportation of household goods for compensation without registering with the DMV, according to the number of previous offenses, whereas the introduced bill would have made the offense a class A misdemeanor.