

BILL ANALYSIS

Senate Research Center

S.B. 1074
By: Staples
Transportation & Homeland Security
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Federal Motor Carrier Safety Administration regulates interstate travel while the Texas Department of Public Safety (DPS) regulates intrastate travel.

Motor carriers are currently required to keep logs of their travel to ensure they are stopping frequently enough to rest. The log records a motor carrier's actions 24 hours a day. Tracking is required by both the Federal Motor Carrier Safety Administration and DPS.

Both state and federal requirements have exceptions to this tracking requirement which allow a lesser standard of tracking for a driver who operates within a stated radius from the driver's work reporting location. Texas has a 150-mile exception to the log keeping requirements while the Federal Motor Carrier Safety Administration exception is 100 miles. An operator who operates only within an assigned radius and is relieved from work within 12 consecutive hours qualifies for the exemption.

S.B. 1074 references the federal requirements regarding the type of records which must be maintained by the carrier. This bill aligns the state-required documents with the federal requirement while maintaining the Texas 150-mile radius exception.

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 644.002(a), Transportation Code, to provide that a federal motor carrier safety regulation prevails over a conflicting provision of this title applicable to a commercial vehicle operated in interstate commerce. Provides that a rule adopted by the director under this chapter prevails over a conflicting provision of a federal motor carrier safety regulation applicable to a commercial vehicle operated in intrastate commerce.

SECTION 2. Amends Sections 644.053(a) and (b), Transportation Code, as follows:

(a) Prohibits a rule under this chapter from requiring a person who returns to the work-reporting location, is released from work within 12 consecutive hours, has at least eight consecutive hours off between each 12-hour period the person is on duty, and operates within a 150 air-mile radius of the normal work-reporting location to maintain a driver's record of duty status as described by 49 C.F.R. Section 395.8, provided that the person maintains time records in compliance with 49 C.F.R. Section 395.1(e)(5) and documents that verify the truth and accuracy of the time records. Deletes existing text relating to required forms.

(b) Requires an owner's time records, rather than business records, for purposes of Subsection (a)(3)(A), at a minimum, rather than generally, to include certain information.

SECTION 3. Effective date: September 1, 2005.