

By: Staples

S.B. No. 1074

A BILL TO BE ENTITLED

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AN ACT

relating to the authority of the Department of Public Safety of the State of Texas or the public safety director to adopt rules in connection with commercial motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Section 644.053, Transportation Code, are amended to read as follows:

(a) A rule adopted under this chapter may not:

(1) prevent an intrastate operator from operating a vehicle up to 12 hours following eight consecutive hours off;

(2) require a person to meet the medical standards provided in the federal motor carrier safety regulations if the person:

(A) was regularly employed in this state as a commercial motor vehicle operator in intrastate commerce before August 28, 1989; and

(B) is not transporting property that requires a hazardous material placard;

(3) require 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

1 the person maintains time records in compliance with 49 C.F.R.
2 Section 395.1(e)(5) and documents that verify the truth and
3 accuracy of the time records such as [~~government form, separate~~
4 ~~company form, operator's record of duty status, or operator's daily~~
5 ~~log for operations within a 150-mile radius of the normal~~
6 ~~work-reporting location if a general record of an operator's hours~~
7 ~~of service can be compiled from]~~:

8 (A) business records maintained by the owner that
9 provide the date, time, and location of the delivery of a product or
10 service; or

11 (B) documents required to be maintained by law,
12 including delivery tickets or sales invoices, that provide the date
13 of delivery and the quantity of merchandise delivered; or

14 (4) impose during a planting or harvesting season
15 maximum driving and on-duty times on an operator of a vehicle
16 transporting an agricultural commodity in intrastate commerce for
17 agricultural purposes from the source of the commodity to the first
18 place of processing or storage or the distribution point for the
19 commodity, if the place is located within 150 air miles of the
20 source.

21 (b) For purposes of Subsection (a)(3)(A), an owner's time
22 [~~business~~] records must at a minimum [~~generally~~] include:

- 23 (1) the time an operator reports for duty each day;
- 24 (2) the number of hours an operator is on duty each
25 day;
- 26 (3) the time an operator is released from duty each
27 day; and

1 (4) an operator's signed statement in compliance with
2 49 C.F.R. Section 395.8(j)(2).

3 SECTION 2. This Act takes effect September 1, 2005.