

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. Subsection (a), Section 644.002, Transportation Code, is amended to read as follows:

(a) A federal motor carrier safety regulation prevails over a conflicting provision of this title applicable to a commercial vehicle operated in interstate commerce. A [~~chapter or 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. 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

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

3 (3) require a person who returns to the work-reporting  
4 location, is released from work within 12 consecutive hours, has at  
5 least eight consecutive hours off between each 12-hour period the  
6 person is on duty, and operates within a 150-air-mile radius of the  
7 normal work-reporting location to maintain a driver's record of  
8 duty status as described by 49 C.F.R. Section 395.8, provided that  
9 the person maintains time records in compliance with 49 C.F.R.  
10 Section 395.1(e)(5) and documents that verify the truth and  
11 accuracy of the time records such as [~~government form, separate~~  
12 ~~company form, operator's record of duty status, or operator's daily~~  
13 ~~log for operations within a 150-mile radius of the normal~~  
14 ~~work-reporting location if a general record of an operator's hours~~  
15 ~~of service can be compiled from]~~

16 (A) business records maintained by the owner that  
17 provide the date, time, and location of the delivery of a product or  
18 service; or

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

22 (4) impose during a planting or harvesting season  
23 maximum driving and on-duty times on an operator of a vehicle  
24 transporting an agricultural commodity in intrastate commerce for  
25 agricultural purposes from the source of the commodity to the first  
26 place of processing or storage or the distribution point for the  
27 commodity, if the place is located within 150 air miles of the

1 source.

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

4 (1) the time an operator reports for duty each day;

5 (2) the number of hours an operator is on duty each  
6 day;

7 (3) the time an operator is released from duty each  
8 day; and

9 (4) an operator's signed statement in compliance with  
10 49 C.F.R. Section 395.8(j)(2).

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendment, on May 25, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor