

By: Staples

S.B. No. 1074

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Sections 644.053(a) and (b), Transportation
7 Code, are amended to read as follows:

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

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

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

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

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

19 (3) require a person who complies with each hourly
20 requirement in 49 C.F.R. Section 395.1(e) and operates within a 150
21 air-mile radius of the normal work-reporting location to maintain a
22 driver's record of duty status as described by 49 C.F.R. Section
23 395.8, provided that the person maintains time records in
24 compliance with 49 C.F.R. Section 395.1(e)(5) and documents that

1 verify the truth and accuracy of the time records such as
2 ~~[government form, separate company form, operator's record of duty~~
3 ~~status, or operator's daily log for operations within a 150-mile~~
4 ~~radius of the normal work-reporting location if a general record of~~
5 ~~an operator's hours of service can be compiled from]:~~

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

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

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

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

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

22 (2) the number of hours an operator is on duty each
23 day;

24 (3) the time an operator is released from duty each
25 day; and

26 (4) an operator's signed statement in compliance with
27 49 C.F.R. Section 395.8(j)(2).

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