

1-1 By: Staples S.B. No. 1074
1-2 (In the Senate - Filed March 7, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 7, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1074 By: Staples

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the Department of Public Safety of the
1-11 State of Texas or the public safety director to adopt rules in
1-12 connection with commercial motor vehicles.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsections (a) and (b), Sections 644.053,
1-15 Transportation Code, are amended to read as follows:

1-16 (a) A rule adopted under this chapter may not:

1-17 (1) prevent an intrastate operator from operating a
1-18 vehicle up to 12 hours following eight consecutive hours off;

1-19 (2) require a person to meet the medical standards
1-20 provided in the federal motor carrier safety regulations if the
1-21 person:

1-22 (A) was regularly employed in this state as a
1-23 commercial motor vehicle operator in intrastate commerce before
1-24 August 28, 1989; and

1-25 (B) is not transporting property that requires a
1-26 hazardous material placard;

1-27 (3) require a person who returns to the work-reporting
1-28 location, is released from work within 12 consecutive hours, has at
1-29 least eight consecutive hours off between each 12-hour period the
1-30 person is on duty, and operates within a 150-air-mile radius of the
1-31 normal work-reporting location to maintain a driver's record of
1-32 duty status as described by 49 C.F.R. Section 395.8, provided that
1-33 the person maintains time records in compliance with 49 C.F.R.
1-34 Section 395.1(e)(5) and documents that verify the truth and
1-35 accuracy of the time records such as [government form, separate
1-36 company form, operator's record of duty status, or operator's daily
1-37 log for operations within a 150-mile radius of the normal
1-38 work-reporting location if a general record of an operator's hours
1-39 of service can be compiled from]:

1-40 (A) business records maintained by the owner that
1-41 provide the date, time, and location of the delivery of a product or
1-42 service; or

1-43 (B) documents required to be maintained by law,
1-44 including delivery tickets or sales invoices, that provide the date
1-45 of delivery and the quantity of merchandise delivered; or

1-46 (4) impose during a planting or harvesting season
1-47 maximum driving and on-duty times on an operator of a vehicle
1-48 transporting an agricultural commodity in intrastate commerce for
1-49 agricultural purposes from the source of the commodity to the first
1-50 place of processing or storage or the distribution point for the
1-51 commodity, if the place is located within 150 air miles of the
1-52 source.

1-53 (b) For purposes of Subsection (a)(3)(A), an owner's time
1-54 [business] records must at a minimum [generally] include:

1-55 (1) the time an operator reports for duty each day;

1-56 (2) the number of hours an operator is on duty each
1-57 day;

1-58 (3) the time an operator is released from duty each
1-59 day; and

1-60 (4) an operator's signed statement in compliance with
1-61 49 C.F.R. Section 395.8(j)(2).

1-62 SECTION 2. This Act takes effect September 1, 2005.

