

BILL ANALYSIS

S.B. 333
By: Carona
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, persons with a commercial drivers license (CDL) driving commercial motor vehicles over 26,000 pounds are subject to a Class B misdemeanor for violating an out-of-service order (if they travel without breaks, for example). A driver without a CDL operating a commercial motor vehicle violating the out-of-service order is only subject to a Class C misdemeanor. People without a CDL do operate smaller commercial motor vehicles, but these people are not subject to the same penalties for violating an out-of-service order as are those with a CDL.

As proposed, S.B. 333 applies the sanction for violating an out-of-service order to the operators of smaller commercial motor vehicles (with a gross weight rating of 10,001 lbs. to 26,000 lbs.). This would mean that a person driving a commercial motor vehicle who does not have or need to have a CDL is subject to the same penalties as those who do have a CDL.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 522.071, Transportation Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Sets forth that it is an offense to drive a commercial motor vehicle on a highway in violation of, rather than during a period in which a person is subject to, an out-of-service order.

(e) Defines "commercial motor vehicle."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007