

By: Allen

H.B. No. 3947

Substitute the following for H.B. No. 3947:

By: Deshotel

C.S.H.B. No. 3947

A BILL TO BE ENTITLED

AN ACT

relating to the operation of motor vehicles and commercial motor vehicles.

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

SECTION 1. Section 521.049, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall respond to a request for a driving record check received from another state under 49 C.F.R. Section 384.206 within 30 days of the date of the request.

SECTION 2. Section 521.297, Transportation Code, is amended to read as follows:

Sec. 521.297. SUSPENSION, ~~[OR]~~ REVOCATION, OR DISQUALIFICATION EFFECTIVE DATE. (a) A license suspension under Section 521.292 or revocation under Section 521.294 takes effect on the 40th day after the date the person is considered to have received notice of the suspension or revocation under Section 521.295(b).

(b) A license disqualification under Section 522.081(a) takes effect on the 40th day after the date the person is considered to have received notice of the disqualification under Section 521.295(b), unless a disqualification is currently in effect. If a disqualification is currently in effect, the periods of disqualifications run consecutively.

SECTION 3. Sections 522.003(7) and (19), Transportation

Code, are amended to read as follows:

(7) "Conviction" means:

(A) an adjudication of guilt, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or the violation of a condition of release without bail, in a court, regardless of whether the penalty is suspended, probated, or rebated; or

(B) a determination by a court, an authorized administrative tribunal or officer, or the department as authorized by this chapter that:

(i) the person has refused to give a specimen to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while driving a commercial motor vehicle; or

(ii) the person has driven a commercial motor vehicle while the person's alcohol concentration was 0.04 or more.

(19) "Hazardous materials" has the meaning assigned by 49 C.F.R. Section 383.5 [~~the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.)~~].

SECTION 4. Section 522.004(a), Transportation Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) a vehicle that is controlled and operated by a farmer and:

(A) used to transport agricultural products,

1 farm machinery, or farm supplies to or from a farm;

2 (B) used within 150 miles of the person's farm;  
3 and

4 (C) not used in the operations of a common or  
5 contract motor carrier;

6 (2) a fire-fighting or emergency vehicle necessary to  
7 the preservation of life or property or the execution of emergency  
8 governmental functions, whether operated by an employee of a  
9 political subdivision or by a volunteer fire fighter;

10 (3) a military vehicle or a commercial motor vehicle,  
11 when operated for military purposes by military personnel,  
12 including:

13 (A) active duty military personnel, including  
14 personnel serving in the United States Coast Guard; and

15 (B) members of the reserves and national guard on  
16 active duty, including personnel on full-time national guard duty,  
17 personnel engaged in part-time training, and national guard  
18 military technicians;

19 (4) a recreational vehicle that is driven for personal  
20 use;

21 (5) a vehicle that is owned, leased, or controlled by  
22 an air carrier, as defined by Section 21.155, and that is driven or  
23 operated exclusively by an employee of the air carrier only on the  
24 premises of an airport, as defined by Section 22.001, on service  
25 roads to which the public does not have access; or

26 (6) a vehicle used exclusively to transport seed  
27 cotton modules or cotton burrs.

1           SECTION 5.   Section 522.023, Transportation Code, is amended  
2 by adding Subsections (h) and (i) to read as follows:

3           (h) An applicant who pays the applicable fee required by  
4 Section 522.029 is entitled to three examinations of each element  
5 under Section 522.022. If the applicant has not qualified after the  
6 third examination, the applicant must submit a new application  
7 accompanied by the required fee.

8           (i) The department may not issue a commercial driver's  
9 license to a person who has not passed each examination required  
10 under this chapter.

11          SECTION 6.   Subchapter D, Chapter 522, Transportation Code,  
12 is amended by adding Section 522.0425 to read as follows:

13          Sec. 522.0425.   HAZARDOUS               MATERIALS               ENDORSEMENT;  
14 CANCELLATION. (a) The department shall cancel or deny the issuance  
15 of a hazardous materials endorsement of a person's commercial  
16 driver's license within 15 days of the date the department receives  
17 notification from a federal agency authorized to make a final  
18 determination of threat assessment under 49 C.F.R. Section 1572.13.

19          (b) On receipt of a notification from a federal agency  
20 authorized to make an initial determination of threat assessment  
21 under 49 C.F.R. Section 1572.13, the department shall immediately  
22 cancel or deny the person the issuance of a hazardous materials  
23 endorsement of a commercial driver's license.

24          (c) The cancellation or denial of a hazardous materials  
25 endorsement under this section shall be reported to the commercial  
26 driver's license information system before the 16th day after the  
27 date of cancellation or denial.

SECTION 7. Subchapter E, Chapter 522, Transportation Code, is amended by adding Sections 522.054 and 522.055 to read as follows:

Sec. 522.054. DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE. (a) In the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, the department may deny renewal of the commercial driver's license issued to a person by the department for the person's:

(1) failure to appear in connection with a complaint or citation; or

(2) failure to pay or satisfy a judgment ordering the payment of a fine and costs.

(b) The information necessary under Subsection (a) may be transmitted through the commercial driver's license information system and must include:

(1) the name, date of birth, and the commercial driver's license number of the license held by the person;

(2) notice that the person failed to appear as required by law or failed to satisfy a judgment that ordered the payment of a fine and costs in the manner ordered by the court;

(3) the nature of the violation; and

(4) any other information required by the department.

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license based on the license

1 holder's previous failure to appear or failure to pay a fine and  
2 costs previously reported by that state under Section 522.054 have  
3 ceased to exist, the department shall renew the person's commercial  
4 driver's license.

5 SECTION 8. Section 522.071(a), Transportation Code, is  
6 amended to read as follows:

7 (a) A person commits an offense if the person drives a  
8 commercial motor vehicle on a highway:

9 (1) after the person has been denied the issuance of a  
10 license, unless the person has a driver's license appropriate for  
11 the class of vehicle being driven that was subsequently issued;

12 (2) during a period that a disqualification of the  
13 person's driver's license or privilege is in effect;

14 (3) while the person's driver's license is expired, if  
15 the license expired during a period of disqualification;

16 (4) during a period that the person was subject to an  
17 order prohibiting the person from obtaining a driver's license; or

18 (5) during a period in which the person, the person's  
19 employer, or the vehicle being operated is subject to an  
20 out-of-service order.

21 SECTION 9. Section 522.072(a), Transportation Code, is  
22 amended to read as follows:

23 (a) An employer may not knowingly permit a person to drive a  
24 commercial motor vehicle during a period in which ~~the person~~:

25 (1) the person has been denied the privilege of  
26 driving a commercial motor vehicle;

27 (2) the person is disqualified from driving a

1 commercial motor vehicle;

2 (3) the person, the person's employer, or the vehicle  
3 being operated is subject to an out-of-service order in a state; or

4 (4) the person has more than one commercial driver's  
5 license, except during the 10-day period beginning on the date the  
6 person is issued a driver's license.

7 SECTION 10. Section 522.081, Transportation Code, is  
8 amended by adding Subsection (h) to read as follows:

9 (h) A disqualification imposed under Subsection (g) must  
10 run concurrently with any imminent hazard disqualification that is  
11 then currently in effect.

12 SECTION 11. Section 522.087, Transportation Code, is  
13 amended by adding Subsection (c) to read as follows:

14 (c) A disqualification imposed under Section 522.081(a)  
15 must run consecutively to any other disqualification that is then  
16 currently in effect.

17 SECTION 12. Subchapter I, Chapter 545, Transportation Code,  
18 is amended by adding Section 545.426 to read as follows:

19 Sec. 545.426. OPERATION OF VEHICLE WITH INSUFFICIENT  
20 UNDERCARRIAGE CLEARANCE. (a) An operator may not drive on or cross  
21 a railroad grade crossing unless the vehicle being operated has  
22 sufficient undercarriage clearance.

23 (b) An offense under this section is a misdemeanor  
24 punishable by a fine of not less than \$50 or more than \$200.

25 SECTION 13. This Act takes effect January 1, 2008.