

By: Allen

H.B. No. 3947

A BILL TO BE ENTITLED

AN ACT

relating to the requirements of commercial drivers.

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

SECTION 1. Section 521.049, Transportation Code, is amended to read as follows:

(d) The department shall respond within 30 days to any driver record request made by a state under 49 C.F.R. 384.206.

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) shall take effect on the 40th day after the date the person is considered to have received the notice of the disqualification under Section 521.295(b), unless,

(1) there is a disqualification already in effect, then the disqualification period will run consecutively.

SECTION 3. Section 522.003, Transportation Code, is amended to read as follows:

(7) "Conviction" means:

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

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

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

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

16 (19) "Hazardous Materials" has the meaning assigned by 49  
17 CFR Sec. 383.5. [~~the Hazardous Materials Transportation Act (49~~  
18 ~~U.S.C. Section 1801 et seq.).~~]

19 SECTION 4. Section 522.004, Transportation Code, is amended  
20 to read as follows:

21 (a) This chapter does not apply to:

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

24 (A) used to transport agricultural products,  
25 seed cotton modules, cotton burrs, farm machinery, or farm supplies  
26 to or from a farm;

27 (B) used within 150 miles of the person's farm;

1 and

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

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

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

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

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

17 (4) a recreational vehicle that is driven for personal  
18 use;

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

24 [~~(6) a vehicle used exclusively to transport seed  
25 cotton modules or cotton burrs.~~]

26 (b) In this section, "recreational vehicle" means a motor  
27 vehicle primarily designed as temporary living quarters for

1 recreational camping or travel use. The term includes a travel  
2 trailer, camping trailer, truck camper, and motor home.

3 SECTION 5. Subchapter C, Chapter 522.023, Transportation  
4 Code, is amended to read as follows:

5 Section 522.023. General Application Requirements for a  
6 Commercial Driver License.

7 (h) On payment of the required fee as provided in Section  
8 522.029, an applicant is entitled to three examinations of each  
9 element under Section 522.022 for each application to qualify for a  
10 commercial driver license. If the applicant has not qualified  
11 after the third examination, the applicant must submit a new  
12 application accompanied by the required fee.

13 (i) The department may not issue a commercial driver license  
14 to a person who has not passed each examination required under this  
15 chapter.

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

18 Sec. 522.0425. Hazardous Materials Endorsement;  
19 Cancellation.

20 (a) The department shall cancel or deny the issuance of a  
21 hazardous materials endorsement of a commercial driver license  
22 within 15 days of notification by a Federal Agency authorized to  
23 make an Initial Determination of Threat Assessment as provided by  
24 49 C.F.R. 1572.13(a).

25 (b) The department shall immediately cancel or deny the  
26 issuance of a hazardous materials endorsement of a commercial  
27 driver license upon notification by a Federal Agency authorized to

1 make a Final Determination of Threat Assessment as provided by 49  
2 C.F.R. 1572.13(a).

3 (c) A cancellation or denial of a hazardous materials  
4 endorsement under this subsection must be reported within 15 days  
5 to the commercial driver license information system.

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

8 Sec. 522.054. DENIAL OF RENEWAL OF COMMERCIAL DRIVER  
9 LICENSE

10 (a). In the manner ordered by a court in a matter involving  
11 the violation of a state law or local ordinance relating to motor  
12 vehicle traffic control, on receiving the necessary information  
13 from another state, the department may deny renewal of the person's  
14 Texas commercial driver license for:

15 (1) failure to appear based on a complaint or  
16 citation; or

17 (2) for failure to pay or satisfy a judgment ordering  
18 the payment of a fine and cost.

19 (b) The information, which may be transmitted through the  
20 commercial driver license information system, must include:

21 (1) the name, date of birth, and driver license number  
22 of the person;

23 (2) notification that the person failed to appear as  
24 required by law or failed to satisfy a judgment ordering the payment  
25 of a fine and cost in the manner ordered by the court;

26 (3) the nature of the alleged violation; and

27 (4) any other information required by the department.

1 SECTION 8. Subchapter E, Chapter 522, Transportation Code,  
2 is amended by adding Section 522.055 to read as follows:

3 Sec. 522.055 CLEARANCE NOTICE TO DEPARTMENT

4 (a) On notification by a state that there is no further  
5 cause to deny renewal of a person's driver license based on the  
6 person's previous failure to appear or failure to pay as reported by  
7 another state, the department will reinstate the person's license.

8 SECTION 9. Section 522.071, Transportation Code, is amended  
9 to read as follows:

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

12 (1) after the person has been denied the issuance of a  
13 license, unless the person has a driver license appropriate for the  
14 class of vehicle being driven that was subsequently issued;

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

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

19 (4) during a period that the person was subject to an  
20 order prohibiting the person from obtaining a driver license; or

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

24 SECTION 10. Section 522.072, Transportation Code, is  
25 amended to read as follows:

26 (a) An employer may not knowingly permit a person to drive a  
27 commercial motor vehicle during a period in which: ~~[the person:]~~

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

3           (2) the person is disqualified from driving a  
4 commercial motor vehicle;

5           (3) the person, the vehicle being operated, or the  
6 motor carrier is subject to an out-of-service order in a state; or

7           (4) the person has more than one commercial driver  
8 license, except during the 10-day period beginning on the date the  
9 person is issued a driver license.

10           SECTION 11. Section 522.081, Transportation Code, is  
11 amended to read as follows:

12           (g) A person who holds a commercial driver license is  
13 disqualified from operating a commercial motor vehicle if the  
14 person's driving is determined to constitute an imminent hazard  
15 under 49 C.F.R. Section 383.52. The disqualification is for the  
16 disqualification period imposed under that section and shall be  
17 noted on the person's driving record.

18           (h). A disqualification under subsection (g) shall run  
19 concurrent to any imminent hazard disqualification currently in  
20 effect.

21           SECTION 12. Section 522.087, Transportation Code, is  
22 amended to read as follows:

23           (c) Any disqualification imposed under Section 522.081(a)  
24 must run consecutively to any other disqualification currently in  
25 effect.

26           SECTION 13. Subchapter F, Chapter 545, Transportation Code,  
27 is amended by adding Section 545.2545 to read as follows:

1           (a) An operator may not drive on or cross a railroad grade  
2 crossing without sufficient undercarriage clearance.

3           (b) An offense under this section is punishable of a fine  
4 not less than \$50 or more than \$200.

5           SECTION 14. This Act takes effect January 1, 2008.