

1-1 By: Carona S.B. No. 1372  
1-2 (In the Senate - Filed March 7, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 10, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 10, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1372 By: Carona

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

1-10 relating to the operation of motor vehicles and commercial motor  
1-11 vehicles.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 521.049, Transportation Code, is amended  
1-14 by adding Subsection (d) to read as follows:

1-15 (d) The department shall respond to a request for a driving  
1-16 record check received from another state under 49 C.F.R. Section  
1-17 384.206 within 30 days of the date of the request.

1-18 SECTION 2. Section 521.297, Transportation Code, is amended  
1-19 to read as follows:

1-20 Sec. 521.297. SUSPENSION, [OR] REVOCATION, OR  
1-21 DISQUALIFICATION EFFECTIVE DATE. (a) A license suspension under  
1-22 Section 521.292 or revocation under Section 521.294 takes effect on  
1-23 the 40th day after the date the person is considered to have  
1-24 received notice of the suspension or revocation under Section  
1-25 521.295(b).

1-26 (b) A license disqualification under Section 522.081(a)  
1-27 takes effect on the 40th day after the date the person is considered  
1-28 to have received notice of the disqualification under Section  
1-29 521.295(b), unless a disqualification is currently in effect. If a  
1-30 disqualification is currently in effect, the periods of  
1-31 disqualifications run consecutively.

1-32 SECTION 3. Subdivisions (7) and (19), Section 522.003,  
1-33 Transportation Code, are amended to read as follows:

1-34 (7) "Conviction" means:

1-35 (A) an adjudication of guilt, an unvacated  
1-36 forfeiture of bail or collateral deposited to secure the person's  
1-37 appearance in court, a plea of guilty or nolo contendere accepted by  
1-38 the court, the payment of a fine or court costs, or the violation of  
1-39 a condition of release without bail, in a court, regardless of  
1-40 whether the penalty is suspended, probated, or rebated; or

1-41 (B) a determination by a court, an authorized  
1-42 administrative tribunal or officer, or the department as authorized  
1-43 by this chapter that:

1-44 (i) the person has refused to give a  
1-45 specimen to determine the person's alcohol concentration or the  
1-46 presence in the person's body of a controlled substance or drug  
1-47 while driving a commercial motor vehicle; or

1-48 (ii) the person has driven a commercial  
1-49 motor vehicle while the person's alcohol concentration was 0.04 or  
1-50 more.

1-51 (19) "Hazardous materials" has the meaning assigned by  
1-52 49 C.F.R. Section 383.5 [the Hazardous Materials Transportation Act  
1-53 (49 U.S.C. Section 1801 et seq.)].

1-54 SECTION 4. Subsection (a), Section 522.004, Transportation  
1-55 Code, is amended to read as follows:

1-56 (a) This chapter does not apply to:

1-57 (1) a vehicle that is controlled and operated by a  
1-58 farmer and:

1-59 (A) used to transport agricultural products,  
1-60 seed cotton modules, cotton burrs, farm machinery, or farm supplies  
1-61 to or from a farm;

1-62 (B) used within 150 miles of the person's farm;

1-63 and

2-1 (C) not used in the operations of a common or  
 2-2 contract motor carrier;

2-3 (2) a fire-fighting or emergency vehicle necessary to  
 2-4 the preservation of life or property or the execution of emergency  
 2-5 governmental functions, whether operated by an employee of a  
 2-6 political subdivision or by a volunteer fire fighter;

2-7 (3) a military vehicle or a commercial motor vehicle,  
 2-8 when operated for military purposes by military personnel,  
 2-9 including:

2-10 (A) active duty military personnel, including  
 2-11 personnel serving in the United States Coast Guard; and

2-12 (B) members of the reserves and national guard on  
 2-13 active duty, including personnel on full-time national guard duty,  
 2-14 personnel engaged in part-time training, and national guard  
 2-15 military technicians;

2-16 (4) a recreational vehicle that is driven for personal  
 2-17 use; or

2-18 (5) a vehicle that is owned, leased, or controlled by  
 2-19 an air carrier, as defined by Section 21.155, and that is driven or  
 2-20 operated exclusively by an employee of the air carrier only on the  
 2-21 premises of an airport, as defined by Section 22.001, on service  
 2-22 roads to which the public does not have access[ ~~or~~

2-23 ~~[(6) a vehicle used exclusively to transport seed~~  
 2-24 ~~cotton modules or cotton burrs].~~

2-25 SECTION 5. Section 522.023, Transportation Code, is amended  
 2-26 by adding Subsections (h) and (i) to read as follows:

2-27 (h) An applicant who pays the applicable fee required by  
 2-28 Section 522.029 is entitled to three examinations of each element  
 2-29 under Section 522.022. If the applicant has not qualified after the  
 2-30 third examination, the applicant must submit a new application  
 2-31 accompanied by the required fee.

2-32 (i) The department may not issue a commercial driver's  
 2-33 license to a person who has not passed each examination required  
 2-34 under this chapter.

2-35 SECTION 6. Subchapter D, Chapter 522, Transportation Code,  
 2-36 is amended by adding Section 522.0425 to read as follows:

2-37 Sec. 522.0425. HAZARDOUS MATERIALS ENDORSEMENT;  
 2-38 CANCELLATION. (a) The department shall cancel or deny the  
 2-39 issuance of a hazardous materials endorsement of a person's  
 2-40 commercial driver's license within 15 days of the date the  
 2-41 department receives notification from a federal agency authorized  
 2-42 to make a final determination of threat assessment under 49 C.F.R.  
 2-43 Section 1572.13.

2-44 (b) On receipt of a notification from a federal agency  
 2-45 authorized to make an initial determination of threat assessment  
 2-46 under 49 C.F.R. Section 1572.13, the department shall immediately  
 2-47 cancel or deny the person the issuance of a hazardous materials  
 2-48 endorsement of a commercial driver's license.

2-49 (c) The cancellation or denial of a hazardous materials  
 2-50 endorsement under this section shall be reported to the commercial  
 2-51 driver's license information system before the 16th day after the  
 2-52 date of cancellation or denial.

2-53 SECTION 7. Subchapter E, Chapter 522, Transportation Code,  
 2-54 is amended by adding Sections 522.054 and 522.055 to read as  
 2-55 follows:

2-56 Sec. 522.054. DENIAL OF RENEWAL OF COMMERCIAL DRIVER  
 2-57 LICENSE. (a) In the manner ordered by a court in another state in  
 2-58 connection with a matter involving the violation of a state law or  
 2-59 local ordinance relating to motor vehicle traffic control and on  
 2-60 receipt of the necessary information from the other state, the  
 2-61 department may deny renewal of the commercial driver's license  
 2-62 issued to a person by the department for the person's:

2-63 (1) failure to appear in connection with a complaint  
 2-64 or citation; or

2-65 (2) failure to pay or satisfy a judgment ordering the  
 2-66 payment of a fine and costs.

2-67 (b) The information necessary under Subsection (a) may be  
 2-68 transmitted through the commercial driver's license information  
 2-69 system and must include:

3-1 (1) the name, date of birth, and the commercial  
3-2 driver's license number of the license held by the person;

3-3 (2) notice that the person failed to appear as  
3-4 required by law or failed to satisfy a judgment that ordered the  
3-5 payment of a fine and costs in the manner ordered by the court;

3-6 (3) the nature of the violation; and

3-7 (4) any other information required by the department.

3-8 Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt  
3-9 of notice from the other state that the grounds for denial of the  
3-10 renewal of the commercial driver's license based on the license  
3-11 holder's previous failure to appear or failure to pay a fine and  
3-12 costs previously reported by that state under Section 522.054 have  
3-13 ceased to exist, the department shall renew the person's commercial  
3-14 driver's license.

3-15 SECTION 8. Subsection (a), Section 522.071, Transportation  
3-16 Code, is amended to read as follows:

3-17 (a) A person commits an offense if the person drives a  
3-18 commercial motor vehicle on a highway:

3-19 (1) after the person has been denied the issuance of a  
3-20 license, unless the person has a driver's license appropriate for  
3-21 the class of vehicle being driven that was subsequently issued;

3-22 (2) during a period that a disqualification of the  
3-23 person's driver's license or privilege is in effect;

3-24 (3) while the person's driver's license is expired, if  
3-25 the license expired during a period of disqualification;

3-26 (4) during a period that the person was subject to an  
3-27 order prohibiting the person from obtaining a driver's license; or

3-28 (5) during a period in which the person, the person's  
3-29 employer, or the vehicle being operated is subject to an  
3-30 out-of-service order.

3-31 SECTION 9. Subsection (a), Section 522.072, Transportation  
3-32 Code, is amended to read as follows:

3-33 (a) An employer may not knowingly permit a person to drive a  
3-34 commercial motor vehicle during a period in which ~~the person~~:

3-35 (1) the person has been denied the privilege of  
3-36 driving a commercial motor vehicle;

3-37 (2) the person is disqualified from driving a  
3-38 commercial motor vehicle;

3-39 (3) the person, the person's employer, or the vehicle  
3-40 being operated is subject to an out-of-service order in a state; or

3-41 (4) the person has more than one commercial driver's  
3-42 license, except during the 10-day period beginning on the date the  
3-43 person is issued a driver's license.

3-44 SECTION 10. Section 522.081, Transportation Code, is  
3-45 amended by adding Subsection (h) to read as follows:

3-46 (h) A disqualification imposed under Subsection (g) must  
3-47 run concurrently with any imminent hazard disqualification that is  
3-48 then currently in effect.

3-49 SECTION 11. Section 522.087, Transportation Code, is  
3-50 amended by adding Subsection (c) to read as follows:

3-51 (c) A disqualification imposed under Section 522.081(a)  
3-52 must run consecutively to any other disqualification that is then  
3-53 currently in effect.

3-54 SECTION 12. Subchapter I, Chapter 545, Transportation Code,  
3-55 is amended by adding Section 545.426 to read as follows:

3-56 Sec. 545.426. OPERATION OF VEHICLE WITH INSUFFICIENT  
3-57 UNDERCARRIAGE CLEARANCE. (a) An operator may not drive on or  
3-58 cross a railroad grade crossing unless the vehicle being operated  
3-59 has sufficient undercarriage clearance.

3-60 (b) An offense under this section is a misdemeanor  
3-61 punishable by a fine of not less than \$50 or more than \$200.

3-62 SECTION 13. This Act takes effect January 1, 2008.

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