

By: Phillips, Harless, Leibowitz

H.B. No. 2985

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain commercial vehicles in this state.

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

SECTION 1. Section 501.023, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) An application filed by the owner or lessee of a foreign commercial motor vehicle, as defined by Section 648.001, must be accompanied by a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

SECTION 2. Section 502.352(c), Transportation Code, is amended to read as follows:

(c) A person may obtain a permit under this section by:

(1) applying to the county assessor-collector, the department, or the department's wire service agent, if the department has a wire service agent;

(2) paying a fee of \$25 for a 72-hour permit or \$50 for a 144-hour permit:

(A) in cash;

(B) by postal money order;

(C) by certified check;

1 (D) by wire transfer through the department's
2 wire service agent, if any;

3 (E) by an escrow account; or

4 (F) where the service is provided, by a credit
5 card issued by:

6 (i) a financial institution chartered by a
7 state or the United States; or

8 (ii) a nationally recognized credit
9 organization approved by the Texas Transportation Commission;

10 (3) paying a discount or service charge for a credit
11 card payment or escrow account, in addition to the fee; ~~and~~

12 (4) furnishing to the county assessor-collector, the
13 department, or the department's wire service agent, evidence of
14 financial responsibility for the vehicle that complies with
15 Sections 502.153(c) and 601.168(a) and is written by an insurance
16 company or surety company authorized to write motor vehicle
17 liability insurance in this state; and

18 (5) submitting a copy of the applicable federal
19 declaration form required by the Federal Motor Carrier Safety
20 Administration or its successor in connection with the importation
21 of a motor vehicle or motor vehicle equipment subject to the federal
22 motor vehicle safety, bumper, and theft prevention standards.

23 SECTION 3. Section 643.052, Transportation Code, is amended
24 to read as follows:

25 Sec. 643.052. APPLICATION. To register under this
26 subchapter a motor carrier must submit to the department an
27 application on a form prescribed by the department. The

1 application must include:

2 (1) the name of the owner and the principal business
3 address of the motor carrier;

4 (2) the name and address of the legal agent for service
5 of process on the carrier in this state, if different;

6 (3) a description of each vehicle requiring
7 registration the carrier proposes to operate, including the motor
8 vehicle identification number, make, and unit number;

9 (4) a statement as to whether the carrier proposes to
10 transport household goods or a hazardous material;

11 (5) a declaration that the applicant has knowledge of
12 all laws and rules relating to motor carrier safety, including this
13 chapter, Chapter 644, and Subtitle C;

14 (6) a certification that the carrier is in compliance
15 with the drug testing requirements of 49 C.F.R. Part 382, and if the
16 carrier belongs to a consortium, as defined by 49 C.F.R. Part 382,
17 the names of the persons operating the consortium; ~~and~~

18 (7) a valid identification number issued to the motor
19 carrier by or under the authority of the Federal Motor Carrier
20 Safety Administration or its successor; and

21 (8) any other information the department by rule
22 determines is necessary for the safe operation of a motor carrier
23 under this chapter.

24 SECTION 4. Subchapter B, Chapter 643, Transportation Code,
25 is amended by adding Section 643.064 to read as follows:

26 Sec. 643.064. ISSUANCE OF UNITED STATES DEPARTMENT OF
27 TRANSPORTATION NUMBERS. The department by rule shall provide for

1 the issuance to a motor carrier of an identification number
2 authorized by the Federal Motor Carrier Safety Administration. A
3 rule must conform to rules of the Federal Motor Carrier Safety
4 Administration or its successor.

5 SECTION 5. Section 643.252, Transportation Code, is amended
6 by adding Subsection (c) to read as follows:

7 (c) The department shall revoke or deny a registration
8 issued under this chapter to a for-hire motor carrier of passengers
9 if the motor carrier is required to register with the Federal Motor
10 Carrier Safety Administration and the federal registration is
11 denied, revoked, suspended, or otherwise terminated.

12 SECTION 6. Subchapter F, Chapter 643, Transportation Code,
13 is amended by adding Section 643.256 to read as follows:

14 Sec. 643.256. CEASE AND DESIST ORDER. The department may
15 issue a cease and desist order if the department determines that the
16 action is necessary to:

- 17 (1) prevent a violation of this chapter; and
18 (2) protect the public health and safety.

19 SECTION 7. The Texas Department of Transportation shall
20 adopt rules under Section 643.064, Transportation Code, as added by
21 this Act, not later than March 1, 2010.

22 SECTION 8. The changes in law made by this Act to Sections
23 501.023 and 643.052, Transportation Code, apply only to an
24 application submitted under those sections to the Texas Department
25 of Transportation on or after the effective date of this Act. An
26 application submitted under those sections to that department
27 before the effective date of this Act is covered by the law in

H.B. No. 2985

1 effect on the date the application was submitted, and that law is
2 continued in effect for that purpose.

3 SECTION 9. This Act takes effect September 1, 2009.