

1-1 By: Phillips, Harless, Leibowitz H.B. No. 2985
1-2 (Senate Sponsor - Carona)
1-3 (In the Senate - Received from the House May 1, 2009;
1-4 May 6, 2009, read first time and referred to Committee on
1-5 Transportation and Homeland Security; May 11, 2009, reported
1-6 favorably by the following vote: Yeas 8, Nays 0; May 11, 2009, sent
1-7 to printer.)

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

1-10 relating to the operation of certain commercial vehicles in this
1-11 state.

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

1-13 SECTION 1. Section 501.023, Transportation Code, is amended
1-14 by adding Subsection (d) to read as follows:

1-15 (d) An application filed by the owner or lessee of a foreign
1-16 commercial motor vehicle, as defined by Section 648.001, must be
1-17 accompanied by a copy of the applicable federal declaration form
1-18 required by the Federal Motor Carrier Safety Administration or its
1-19 successor in connection with the importation of a motor vehicle or
1-20 motor vehicle equipment subject to the federal motor vehicle
1-21 safety, bumper, and theft prevention standards.

1-22 SECTION 2. Section 502.352(c), Transportation Code, is
1-23 amended to read as follows:

1-24 (c) A person may obtain a permit under this section by:

1-25 (1) applying to the county assessor-collector, the
1-26 department, or the department's wire service agent, if the
1-27 department has a wire service agent;

1-28 (2) paying a fee of \$25 for a 72-hour permit or \$50 for
1-29 a 144-hour permit:

1-30 (A) in cash;

1-31 (B) by postal money order;

1-32 (C) by certified check;

1-33 (D) by wire transfer through the department's
1-34 wire service agent, if any;

1-35 (E) by an escrow account; or

1-36 (F) where the service is provided, by a credit
1-37 card issued by:

1-38 (i) a financial institution chartered by a
1-39 state or the United States; or

1-40 (ii) a nationally recognized credit
1-41 organization approved by the Texas Transportation Commission;

1-42 (3) paying a discount or service charge for a credit
1-43 card payment or escrow account, in addition to the fee; ~~and~~

1-44 (4) furnishing to the county assessor-collector, the
1-45 department, or the department's wire service agent, evidence of
1-46 financial responsibility for the vehicle that complies with
1-47 Sections 502.153(c) and 601.168(a) and is written by an insurance
1-48 company or surety company authorized to write motor vehicle
1-49 liability insurance in this state; and

1-50 (5) submitting a copy of the applicable federal
1-51 declaration form required by the Federal Motor Carrier Safety
1-52 Administration or its successor in connection with the importation
1-53 of a motor vehicle or motor vehicle equipment subject to the federal
1-54 motor vehicle safety, bumper, and theft prevention standards.

1-55 SECTION 3. Section 643.052, Transportation Code, is amended
1-56 to read as follows:

1-57 Sec. 643.052. APPLICATION. To register under this
1-58 subchapter a motor carrier must submit to the department an
1-59 application on a form prescribed by the department. The
1-60 application must include:

1-61 (1) the name of the owner and the principal business
1-62 address of the motor carrier;

1-63 (2) the name and address of the legal agent for service
1-64 of process on the carrier in this state, if different;

2-1 (3) a description of each vehicle requiring
2-2 registration the carrier proposes to operate, including the motor
2-3 vehicle identification number, make, and unit number;

2-4 (4) a statement as to whether the carrier proposes to
2-5 transport household goods or a hazardous material;

2-6 (5) a declaration that the applicant has knowledge of
2-7 all laws and rules relating to motor carrier safety, including this
2-8 chapter, Chapter 644, and Subtitle C;

2-9 (6) a certification that the carrier is in compliance
2-10 with the drug testing requirements of 49 C.F.R. Part 382, and if the
2-11 carrier belongs to a consortium, as defined by 49 C.F.R. Part 382,
2-12 the names of the persons operating the consortium; ~~and~~

2-13 (7) a valid identification number issued to the motor
2-14 carrier by or under the authority of the Federal Motor Carrier
2-15 Safety Administration or its successor; and

2-16 (8) any other information the department by rule
2-17 determines is necessary for the safe operation of a motor carrier
2-18 under this chapter.

2-19 SECTION 4. Subchapter B, Chapter 643, Transportation Code,
2-20 is amended by adding Section 643.064 to read as follows:

2-21 Sec. 643.064. ISSUANCE OF UNITED STATES DEPARTMENT OF
2-22 TRANSPORTATION NUMBERS. The department by rule shall provide for
2-23 the issuance to a motor carrier of an identification number
2-24 authorized by the Federal Motor Carrier Safety Administration. A
2-25 rule must conform to rules of the Federal Motor Carrier Safety
2-26 Administration or its successor.

2-27 SECTION 5. Section 643.252, Transportation Code, is amended
2-28 by adding Subsection (c) to read as follows:

2-29 (c) The department shall revoke or deny a registration
2-30 issued under this chapter to a for-hire motor carrier of passengers
2-31 if the motor carrier is required to register with the Federal Motor
2-32 Carrier Safety Administration and the federal registration is
2-33 denied, revoked, suspended, or otherwise terminated.

2-34 SECTION 6. Subchapter F, Chapter 643, Transportation Code,
2-35 is amended by adding Section 643.256 to read as follows:

2-36 Sec. 643.256. CEASE AND DESIST ORDER. The department may
2-37 issue a cease and desist order if the department determines that the
2-38 action is necessary to:

- 2-39 (1) prevent a violation of this chapter; and
- 2-40 (2) protect the public health and safety.

2-41 SECTION 7. The Texas Department of Transportation shall
2-42 adopt rules under Section 643.064, Transportation Code, as added by
2-43 this Act, not later than March 1, 2010.

2-44 SECTION 8. The changes in law made by this Act to Sections
2-45 501.023 and 643.052, Transportation Code, apply only to an
2-46 application submitted under those sections to the Texas Department
2-47 of Transportation on or after the effective date of this Act. An
2-48 application submitted under those sections to that department
2-49 before the effective date of this Act is covered by the law in
2-50 effect on the date the application was submitted, and that law is
2-51 continued in effect for that purpose.

2-52 SECTION 9. This Act takes effect September 1, 2009.

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