

By: Nichols

S.B. No. 40

A BILL TO BE ENTITLED

AN ACT

1
2 relating to commercial driver's licenses and commercial learner's
3 permits and the operation of commercial motor vehicles; creating an
4 offense; authorizing fees.

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

6 SECTION 1. Section 522.003, Transportation Code, is amended
7 by amending Subdivisions (4), (12), (22), (23), and (25) and adding
8 Subdivisions (22-a) and (23-a) to read as follows:

9 (4) "Commercial [~~driver~~] learner's permit" means a
10 permit [~~commercial driver's license~~] that restricts the holder to
11 driving a commercial motor vehicle as provided by Section
12 522.011(a)(2)(B).

13 (12) "Driver's license" has the meaning assigned by
14 Section 521.001, except the term does not include a commercial
15 learner's permit unless otherwise provided by this chapter.

16 (22) "Non-domiciled [~~Nonresident~~] commercial driver's
17 license" means a commercial driver's license issued by a state to an
18 individual who is domiciled [~~resides~~] in a foreign jurisdiction.

19 (22-a) "Non-domiciled commercial learner's permit"
20 means a commercial learner's permit issued by a state to an
21 individual who is domiciled in a foreign jurisdiction.

22 (23) "Out-of-service order" means:

23 (A) a temporary prohibition against driving a
24 commercial motor vehicle issued under Section 522.101, the law of

1 another state, [~~or~~] 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a,
2 395.13, or 396.9, a law compatible with those federal regulations,
3 or the North American Uniform Out-of-Service Criteria; or

4 (B) a declaration by the Federal Motor Carrier
5 Safety Administration or an authorized enforcement officer of a
6 state or local jurisdiction that a driver, commercial motor
7 vehicle, or motor carrier operation is out of service under 49
8 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a
9 law compatible with those federal regulations, or the North
10 American Uniform Out-of-Service Criteria.

11 (23-a) "Person" includes the United States, a state,
12 or a political subdivision of a state.

13 (25) "Serious traffic violation" means:

14 (A) a conviction arising from the driving of a
15 motor vehicle, other than a parking, vehicle weight, or vehicle
16 defect violation, for:

17 (i) excessive speeding, involving a single
18 charge of driving 15 miles per hour or more above the posted speed
19 limit;

20 (ii) reckless driving, as defined by state
21 or local law;

22 (iii) a violation of a state or local law
23 related to motor vehicle traffic control, including a law
24 regulating the operation of vehicles on highways, arising in
25 connection with a fatal accident;

26 (iv) improper or erratic traffic lane
27 change;

1 (v) following the vehicle ahead too
2 closely; [~~or~~]

3 (vi) a violation of Sections 522.011 or
4 522.042; or

5 (vii) a violation of a state or local law or
6 ordinance prohibiting texting while driving or restricting or
7 prohibiting the use of a wireless communication device while
8 operating a commercial motor vehicle; or

9 (B) a violation of Section 522.015.

10 SECTION 2. Section 522.011, Transportation Code, is
11 amended by amending Subsection (a) and adding Subsections (e) and
12 (f) to read as follows:

13 (a) A person may not drive a commercial motor vehicle
14 unless:

15 (1) the person:

16 (A) has in the person's immediate possession a
17 commercial driver's license issued by the department appropriate
18 for the class of vehicle being driven; and

19 (B) is not disqualified or subject to an
20 out-of-service order;

21 (2) the person:

22 (A) has in the person's immediate possession a
23 commercial [~~driver~~] learner's permit and driver's license issued by
24 the department; and

25 (B) is accompanied by the holder of a commercial
26 driver's license issued by the department with any necessary
27 endorsements appropriate for the class of vehicle being driven, and

1 the license holder:

2 (i) for the purpose of giving instruction
3 in driving the vehicle, at all times occupies a seat beside the
4 permit holder or, in the case of a passenger vehicle, directly
5 behind the driver in a location that allows for direct observation
6 and supervision of the permit holder [~~for the purpose of giving~~
7 ~~instruction in driving the vehicle~~]; and

8 (ii) is not disqualified or subject to an
9 out-of-service order; or

10 (3) the person is authorized to drive the vehicle
11 under Section 522.015.

12 (e) It is a defense to prosecution for a violation of
13 Subsection (a)(2)(A) if the person charged produces in court a
14 commercial learner's permit or driver's license, as appropriate,
15 that:

16 (1) was issued to the person; and

17 (2) was valid when the offense was committed.

18 (f) The court may assess a defendant an administrative fee
19 not to exceed \$10 if a charge under this section is dismissed
20 because of the defense listed under Subsection (e).

21 SECTION 3. Section 522.013, Transportation Code, is amended
22 to read as follows:

23 Sec. 522.013. NON-DOMICILED [~~NONRESIDENT~~] LICENSE OR

24 PERMIT. (a) The department may issue a non-domiciled
25 [~~nonresident~~] commercial driver's license or commercial learner's

26 permit to a person domiciled in [~~resident of~~] a foreign
27 jurisdiction if the secretary has determined that the commercial

1 motor vehicle testing and licensing standards in the foreign
2 jurisdiction do not meet the testing standards established by 49
3 C.F.R. Part 383.

4 (b) An applicant for a non-domiciled commercial driver's
5 license must surrender any non-domiciled [~~nonresident~~] commercial
6 driver's license issued by another state.

7 (c) Before issuing a non-domiciled [~~nonresident~~] commercial
8 driver's license, the department must establish the practical
9 capability of disqualifying the person under the conditions
10 applicable to a commercial driver's license issued to a resident of
11 this state. Before issuing a non-domiciled commercial learner's
12 permit, the department must establish the practical capability of
13 disqualifying the person under the conditions applicable to a
14 commercial learner's permit issued to a resident of this state.

15 (d) "Non-domiciled" [~~"Nonresident"~~] must appear on the face
16 of a license or permit issued under this section.

17 (e) The department may issue a temporary non-domiciled
18 [~~nonresident~~] commercial driver's license to a person who does not
19 present a social security card as required by Section
20 522.021(a-1)(1) but who otherwise meets the requirements for a
21 non-domiciled [~~nonresident~~] commercial driver's license, including
22 the requirement that the commercial motor vehicle testing and
23 licensing standards of the country of which the applicant is
24 domiciled [~~a resident~~] not meet the testing and licensing standards
25 established by 49 C.F.R. Part 383. A license issued under this
26 subsection:

27 (1) expires on the earlier of:

1 (A) the 60th day after the date the license is
2 issued; or

3 (B) [~~the expiration date of the visa presented~~
4 ~~under Section 522.021(a-1)(2)(B); or~~

5 [~~(C)~~] the expiration date of the Form I-94
6 Arrival/Departure record, or a successor document, presented under
7 Section 522.021(a-1)(2)(A) [~~522.021(a-1)(2)(C)~~]; and

8 (2) may not be renewed.

9 (f) The department may not issue more than one temporary
10 non-domiciled [~~nonresident~~] commercial driver's license to a
11 person.

12 SECTION 4. Section 522.014, Transportation Code, is amended
13 to read as follows:

14 Sec. 522.014. PERMIT. (a) The department may issue a
15 commercial [~~driver~~] learner's permit to an individual who:

16 (1) has been issued a driver's license by the
17 department; and

18 (2) has passed the vision and written tests required
19 for [a Texas driver's license appropriate for] the class of vehicle
20 to be driven.

21 (b) A commercial learner's permit must be a separate
22 document from a driver's license or a commercial driver's license.

23 (c) The issuance of a commercial learner's permit is
24 required for:

25 (1) the initial issuance of a commercial driver's
26 license; or

27 (2) the upgrade in classification of a commercial

1 driver's license that requires a skills test.

2 (d) A commercial learner's permit holder may not take a
3 commercial driver's license skills test before the 15th day after
4 the date of the issuance of the permit.

5 SECTION 5. Section 522.015, Transportation Code, is amended
6 to read as follows:

7 Sec. 522.015. LICENSE OR PERMIT ISSUED BY OTHER
8 JURISDICTION. A person may drive a commercial motor vehicle in this
9 state if:

10 (1) the person has a commercial driver's license or a
11 commercial [~~driver~~] learner's permit issued by:

12 (A) another state in accordance with the minimum
13 federal standards for the issuance of a commercial motor vehicle
14 driver's license; or

15 (B) a foreign jurisdiction the testing and
16 licensing standards of which the United States Department of
17 Transportation has determined meet the requirements of the federal
18 act;

19 (2) the person's license or permit is appropriate for
20 the class of vehicle being driven;

21 (3) the person is not disqualified from driving a
22 commercial motor vehicle and is not subject to an out-of-service
23 order; [~~and~~]

24 (4) the person has not had a domicile in this state for
25 more than 30 days; and

26 (5) if the person has a permit, the person also has a
27 driver's license issued by the same jurisdiction that issued the

1 permit.

2 SECTION 6. Sections 522.021(a), (a-1), and (d),
3 Transportation Code, are amended to read as follows:

4 (a) An application for a commercial driver's license or
5 commercial [~~driver~~] learner's permit must include:

6 (1) the full name and current residence and mailing
7 address of the applicant;

8 (2) a physical description of the applicant, including
9 sex, height, and eye color;

10 (3) the applicant's date of birth;

11 (4) the applicant's social security number, unless the
12 application is for a non-domiciled [~~nonresident~~] commercial
13 driver's license and the applicant is domiciled in [~~a resident of~~] a
14 foreign jurisdiction;

15 (5) certifications, including those required by 49
16 C.F.R. Section 383.71(a); and

17 (6) any other information required by the department.

18 (a-1) If the application is for a non-domiciled
19 [~~nonresident~~] commercial driver's license and the applicant is
20 domiciled in [~~a resident of~~] a foreign jurisdiction that does not
21 meet the testing and licensing standards established by 49 C.F.R.
22 Part 383, the applicant must present:

23 (1) a social security card issued to the applicant;
24 [~~and~~]

25 (2) either [~~each of the following~~]:

26 (A) an unexpired foreign [~~a~~] passport issued to
27 the applicant and a Form I-94 Arrival/Departure record or a

1 successor document [~~by the country of which the applicant is a~~
2 ~~resident~~]; or

3 (B) an unexpired employment authorization
4 document [~~a Temporary Worker visa~~]; and

5 (3) documentation demonstrating proof of Texas
6 residence as provided by Section 522.0225 [~~(C) a Form I-94~~
7 ~~Arrival/Departure record or a successor document~~].

8 (d) A person who knowingly falsifies information or a
9 certification required by Subsection (a) commits an offense and is
10 subject to a 60-day disqualification [~~cancellation~~] of the person's
11 commercial driver's license, commercial [~~driver~~] learner's permit,
12 or application. An offense under this subsection is a Class C
13 misdemeanor.

14 SECTION 7. Section 522.022, Transportation Code, as
15 effective September 1, 2013, is amended to read as follows:

16 Sec. 522.022. LICENSE REQUIREMENTS. The department may not
17 issue a commercial driver's license other than a non-domiciled
18 [~~nonresident~~] license to a person unless the person:

19 (1) has a domicile:

20 (A) in this state; or

21 (B) in another state and is a member of the United
22 States armed forces, including a member of the National Guard or a
23 reserve or auxiliary unit of any branch of the armed forces, whose
24 temporary or permanent duty station is located in this state;

25 (2) has passed knowledge and skills tests for driving
26 a commercial motor vehicle that comply with minimal federal
27 standards established by 49 C.F.R. Part 383, Subparts G and H; and

1 (3) has satisfied the requirements imposed by the
2 federal act, federal regulation, or state law.

3 SECTION 8. Section 522.023, Transportation Code, is amended
4 by adding Subsection (j) to read as follows:

5 (j) The department may administer a skills test to a person
6 who holds a commercial learner's permit issued by another state or
7 jurisdiction.

8 SECTION 9. Section 522.025, Transportation Code, is amended
9 to read as follows:

10 Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT.

11 (a) The department may not issue a commercial driver's license or
12 commercial [~~driver~~] learner's permit to a person who is
13 disqualified from driving a commercial motor vehicle or while the
14 person's driver's license or driving privilege is suspended,
15 revoked, or canceled in any state.

16 (b) The department may not issue a commercial driver's
17 license to a person who has a driver's license, commercial driver's
18 license, or commercial [~~driver~~] learner's permit issued by another
19 state unless the person surrenders the license or permit. The
20 department shall notify [~~return a surrendered license or permit to~~]
21 the issuing state of the surrendered license or permit [~~for~~
22 ~~cancellation~~].

23 SECTION 10. Section 522.027, Transportation Code, is
24 amended to read as follows:

25 Sec. 522.027. MINIMUM AGE. The department may not issue a
26 commercial driver's license or a commercial [~~driver~~] learner's
27 permit to a person who is younger than 18 years of age.

1 SECTION 11. Section 522.028, Transportation Code, is
2 amended to read as follows:

3 Sec. 522.028. CHECK OF DRIVING RECORD. Before issuing a
4 commercial driver's license or commercial learner's permit, the
5 department shall check the applicant's driving record as required
6 by 49 C.F.R. Section 383.73.

7 SECTION 12. Section 522.029, Transportation Code, is
8 amended by amending Subsections (a), (b), (c), (h), (j), and (k) and
9 adding Subsections (h-1) and (l) to read as follows:

10 (a) The fee for a commercial driver's license [~~or commercial~~
11 ~~driver learner's permit~~] issued by the department is \$60, except as
12 provided by Subsections (f), (h), (j), and (k).

13 (b) The fee for a commercial driver's license [~~or commercial~~
14 ~~driver learner's permit~~] shall be reduced by \$4 for each remaining
15 year of validity of a driver's license, other than a commercial
16 driver's license [~~or commercial driver learner's permit~~] issued by
17 the department to the applicant.

18 (c) The fee for a duplicate commercial driver's license or
19 commercial [~~driver~~] learner's permit is \$10.

20 (h) The fee for a commercial driver's license [~~or commercial~~
21 ~~driver learner's permit~~] issued under Section 522.033 is \$20.

22 (h-1) The fee for the issuance or renewal of a commercial
23 learner's permit is \$24.

24 (j) The fee for issuance or renewal of a commercial driver's
25 license [~~or commercial driver learner's permit~~] is \$25 for a
26 license with an expiration date established under Section 522.054.

27 (k) The fee for a non-domiciled [~~nonresident~~] commercial

1 driver's license or a non-domiciled commercial learner's permit is
2 \$120. The fee for a temporary non-domiciled [~~nonresident~~]
3 commercial driver's license is \$20.

4 (1) The fee for the administration of a skills test to a
5 person who is not domiciled in this state is \$60.

6 SECTION 13. Section 522.029(f), Transportation Code, as
7 added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature,
8 Regular Session, 1997, is amended to read as follows:

9 (f) If a commercial driver's license [~~or commercial driver~~
10 ~~learner's permit~~] includes an authorization to operate a motorcycle
11 or moped, the fee for the driver's license [~~or permit~~] is increased
12 by \$8.

13 SECTION 14. Section 522.030(a), Transportation Code, is
14 amended to read as follows:

15 (a) A commercial driver's license or commercial learner's
16 permit must:

17 (1) be marked:

18 (A) "Commercial Driver License" or "CDL" for a
19 commercial driver's license; or

20 (B) "Commercial Learner's Permit" or "CLP" for a
21 commercial learner's permit;

22 (2) be, to the extent practicable, tamper-proof; and

23 (3) include:

24 (A) the name and domicile [~~mailing~~] address of
25 the person to whom it is issued;

26 (B) the person's [~~color~~] photograph;

27 (C) a physical description of the person,

1 including sex, height, and eye color;

2 (D) the person's date of birth;

3 (E) a number or identifier the department
4 considers appropriate;

5 (F) the person's signature;

6 (G) each class of commercial motor vehicle that
7 the person is authorized to drive, with any endorsements or
8 restrictions;

9 (H) the name of this state; and

10 (I) the dates between which the license is valid.

11 SECTION 15. Sections 522.032(a) and (b), Transportation
12 Code, are amended to read as follows:

13 (a) The holder of a commercial driver's license or
14 commercial [~~driver~~] learner's permit who changes the holder's name
15 or mailing address must apply for a duplicate license or permit not
16 later than the 30th day after the date of the change in the manner
17 provided by Section 521.054.

18 (b) The holder of a commercial driver's license or
19 commercial [~~driver~~] learner's permit who changes the holder's
20 residence address shall notify the department not later than the
21 30th day after the date of the change.

22 SECTION 16. Section 522.033, Transportation Code, is
23 amended to read as follows:

24 Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN
25 SEX OFFENDERS. (a) The department may issue an original or renewal
26 commercial driver's license or commercial [~~driver~~] learner's permit
27 to a person whose driver's license or personal identification

1 certificate record indicates that the person is subject to the
2 registration requirements of Chapter 62, Code of Criminal
3 Procedure, only if the person is otherwise eligible for the
4 commercial driver's license or commercial [~~driver~~] learner's permit
5 and:

6 (1) applies in person for the issuance of a license or
7 permit under this section; and

8 (2) pays a fee of:

9 (A) \$20 for a commercial driver's license; or

10 (B) \$24 for a commercial learner's permit.

11 (b) Notwithstanding Sections 522.013 and [Section] 522.051,
12 a commercial driver's license [~~or commercial driver learner's~~
13 ~~permit~~] issued under this section, including a renewal, duplicate,
14 or corrected license, expires[+]

15 [~~(1) if the license or permit holder is a citizen,~~
16 ~~national, or legal permanent resident of the United States or a~~
17 ~~refugee or asylee lawfully admitted into the United States,~~] on the
18 first birthday of the license holder occurring after the date of
19 application, except that the initial license issued under this
20 section expires on the second birthday of the license holder
21 occurring after the date of application[+, or

22 [~~(2) if the applicant is not described by Subdivision~~
23 ~~(1), on the earlier of:~~

24 [~~(A) the expiration date of the applicant's~~
25 ~~authorized stay in the United States, or~~

26 [~~(B) the first birthday of the license holder~~
27 ~~occurring after the date of application, except that the initial~~

1 ~~license issued under this section expires on the second birthday of~~
2 ~~the license holder occurring after the date of application].~~

3 SECTION 17. Sections 522.034(a) and (b), Transportation
4 Code, are amended to read as follows:

5 (a) An applicant for an original commercial driver's
6 license [~~or commercial driver learner's permit~~] that includes an
7 authorization to operate a motorcycle must furnish to the
8 department evidence satisfactory to the department that the
9 applicant has successfully completed a basic motorcycle operator
10 training course approved by the department under Chapter 662.

11 (b) The department may not issue an original commercial
12 driver's license [~~or commercial driver learner's permit~~] that
13 includes an authorization to operate a motorcycle to an applicant
14 who fails to comply with Subsection (a).

15 SECTION 18. Sections 522.041(a) and (e), Transportation
16 Code, are amended to read as follows:

17 (a) The department may issue a Class A, Class B, or Class C
18 commercial driver's license or commercial learner's permit.

19 (e) The holder of a commercial driver's license or
20 commercial learner's permit may drive any vehicle in the class for
21 which the license or permit is issued and lesser classes of vehicles
22 except a motorcycle or moped. The holder may drive a motorcycle
23 only if authorization to drive a motorcycle is shown on the
24 commercial driver's license and the requirements for issuance of a
25 motorcycle license have been met.

26 SECTION 19. Section 522.042, Transportation Code, is
27 amended by amending Subsections (b) and (c) and adding Subsections

1 (d), (e), and (f) to read as follows:

2 (b) The department may issue a commercial learner's permit
3 with endorsements authorizing the driving of a passenger vehicle, a
4 school bus, or a tank vehicle.

5 (c) An endorsement under Subsection (b) for a passenger
6 vehicle or a school bus allows a permit holder to operate a vehicle
7 with only the following passengers:

8 (1) federal or state auditors and inspectors, test
9 examiners, or other permit holders; and

10 (2) the commercial driver's license holder required
11 under Section 522.011(a)(2)(B).

12 (d) An endorsement under Subsection (b) for a tank vehicle
13 allows a permit holder to operate only an empty tank vehicle that
14 has been purged of any hazardous materials.

15 (e) The holder of a commercial driver's license or
16 commercial learner's permit may not drive a vehicle that requires
17 an endorsement unless the proper endorsement appears on the license
18 or permit.

19 (f) [~~(e)~~] A person commits an offense if the person violates
20 Subsection (c), (d), or (e) [~~(b)~~]. An offense under this section is
21 a Class C misdemeanor.

22 SECTION 20. Section 522.051, Transportation Code, is
23 amended by amending Subsections (a), (b), (c), (d), and (f) and
24 adding Subsection (h) to read as follows:

25 (a) Except as provided by Subsection (f) and Sections
26 522.013(e), 522.033, and 522.054, an original commercial driver's
27 license [~~or commercial driver learner's permit~~] expires five years

1 after the applicant's next birthday.

2 (b) Except as provided by Section 522.054, a commercial
3 driver's license [~~or commercial driver learner's permit~~] issued to
4 a person holding a Texas Class A, B, C, or M license that would
5 expire one year or more after the date of issuance of the commercial
6 driver's license [~~or commercial driver learner's permit~~] expires
7 five years after the applicant's next birthday.

8 (c) Except as provided by Section 522.054, a commercial
9 driver's license [~~or commercial driver learner's permit~~] issued to
10 a person holding a Texas Class A, B, C, or M license that would
11 expire less than one year after the date of issuance of the
12 commercial driver's license [~~or commercial driver learner's permit~~]
13 or that has been expired for less than one year expires five years
14 after the expiration date shown on the Class A, B, C, or M license.

15 (d) Except as provided by Section 522.054, a commercial
16 driver's license [~~or commercial driver learner's permit~~] issued to
17 a person holding a Texas Class A, B, C, or M license that has been
18 expired for at least one year but not more than two years expires
19 five years after the applicant's last birthday.

20 (f) Except as provided by Section 522.013, a non-domiciled
21 [~~nonresident~~] commercial driver's license other than a temporary
22 non-domiciled [~~nonresident~~] commercial driver's license under
23 Section 522.013(e) expires on [~~the earlier of~~]:

- 24 (1) the earlier of:
25 (A) the first birthday of the license holder
26 occurring after the fifth anniversary of the date of the
27 application; or

1 (B) the expiration date of the license holder's
2 lawful presence in the United States as determined by the
3 appropriate United States agency in compliance with federal law
4 ~~[the expiration date of the visa presented under Section~~
5 ~~522.021(a-1)(2)(B)]~~; or

6 (2) the first anniversary of the date of issuance, if
7 there is no definitive expiration date for the applicant's
8 authorized stay in the United States ~~[expiration date of the Form~~
9 ~~I-94 Arrival/Departure record, or a successor document, presented~~
10 ~~under Section 522.021(a-1)(2)(C)]~~.

11 (h) A commercial learner's permit expires on the earlier of:

12 (1) the expiration date of the driver's license or
13 commercial driver's license; or

14 (2) the 181st day after the date of issuance.

15 SECTION 21. Section 522.052(e), Transportation Code, is
16 amended to read as follows:

17 (e) A commercial driver learner's permit may ~~[not]~~ be
18 renewed once for an additional 180 days without requiring the
19 applicant to retake the general and endorsement knowledge tests.

20 SECTION 22. Section 522.054(a), Transportation Code, is
21 amended to read as follows:

22 (a) Each original commercial driver's license ~~[and~~
23 ~~commercial driver learner's permit]~~ of a person 85 years of age or
24 older expires on the license holder's second birthday after the
25 date of the license application.

26 SECTION 23. Section 522.0541, Transportation Code, is
27 amended to read as follows:

1 Sec. 522.0541. DENIAL OF RENEWAL OF COMMERCIAL DRIVER
2 LICENSE OR LEARNER PERMIT. (a) In the manner ordered by a court in
3 another state in connection with a matter involving the violation
4 of a state law or local ordinance relating to motor vehicle traffic
5 control and on receipt of the necessary information from the other
6 state, the department may deny renewal of the commercial driver's
7 license or commercial learner's permit issued to a person by the
8 department for the person's:

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

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

13 (3) failure to answer a citation or to pay fines,
14 penalties, or costs related to the original violation.

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

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

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

23 (3) the nature of the violation; and

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

25 (c) The department shall apply any notification received
26 under Subsection (a) as a conviction to the person's driving
27 record.

1 SECTION 24. Section 522.055, Transportation Code, is
2 amended to read as follows:

3 Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt
4 of notice from the other state that the grounds for denial of the
5 renewal of the commercial driver's license or commercial learner's
6 permit based on the [~~license~~] holder's previous failure to appear
7 or failure to pay a fine and costs previously reported by that state
8 under Section 522.0541 have ceased to exist, the department shall
9 renew the person's commercial driver's license or commercial
10 learner's permit.

11 SECTION 25. Sections 522.061(a), (b), and (c),
12 Transportation Code, are amended to read as follows:

13 (a) A person who holds or is required to hold a commercial
14 driver's license or a commercial learner's permit under this
15 chapter and who is convicted in another state of violating a state
16 law or local ordinance relating to motor vehicle traffic control
17 shall notify the department in the manner specified by the
18 department not later than the seventh day after the date of
19 conviction.

20 (b) A person who holds or is required to hold a commercial
21 driver's license or commercial learner's permit under this chapter
22 and who is convicted in this state or another state of violating a
23 state law or local ordinance relating to motor vehicle traffic
24 control, including a law regulating the operation of vehicles on
25 highways, shall notify the person's employer in writing of the
26 conviction not later than the seventh day after the date of
27 conviction.

1 (c) A notification to the department or an employer must be
2 in writing and must contain:

- 3 (1) the driver's full name;
- 4 (2) the driver's license or permit number;
- 5 (3) the date of conviction;
- 6 (4) the nature of the violation;
- 7 (5) a notation of whether the violation was committed
8 in a commercial motor vehicle;
- 9 (6) the location where the offense was committed; and
- 10 (7) the driver's signature.

11 SECTION 26. Section 522.062(a), Transportation Code, is
12 amended to read as follows:

13 (a) If a person holds a driver's license, commercial
14 driver's license, or commercial learner's permit issued by another
15 state and is finally convicted of a violation of a state traffic law
16 or local traffic ordinance that was committed in a commercial motor
17 vehicle, the department shall notify the driver's licensing
18 authority in the issuing state of that conviction, in the time and
19 manner required by 49 U.S.C. Section 31311.

20 SECTION 27. Section 522.071(a), Transportation Code, as
21 amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of the
22 80th Legislature, Regular Session, 2007, is reenacted and amended
23 to read as follows:

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

- 26 (1) after the person has been denied the issuance of a
27 license or permit, unless the person has a driver's license

1 appropriate for the class of vehicle being driven that was
2 subsequently issued;

3 (2) during a period that a disqualification of the
4 person's driver's license, permit, or privilege is in effect;

5 (3) while the person's driver's license or permit is
6 expired, if the license or permit expired during a period of
7 disqualification;

8 (4) during a period that the person was subject to an
9 order prohibiting the person from obtaining a driver's license or
10 permit; or

11 (5) during a period in which the person, the person's
12 employer, or the vehicle being operated is subject to [~~in violation~~
13 ~~of~~] an out-of-service order.

14 SECTION 28. Section 522.071(b), Transportation Code, is
15 amended to read as follows:

16 (b) It is not a defense to prosecution that the person had
17 not received notice of a disqualification imposed as a result of a
18 conviction that results in an automatic disqualification of the
19 person's driver's license, permit, or privilege.

20 SECTION 29. Sections 522.081(a), (b), (e), and (g),
21 Transportation Code, are amended to read as follows:

22 (a) This subsection applies to a violation committed while
23 operating any motor vehicle, including a commercial motor vehicle.
24 A person who holds a commercial driver's license or commercial
25 learner's permit is disqualified from driving a commercial motor
26 vehicle for:

27 (1) 60 days if convicted of:

1 (A) two serious traffic violations that occur
2 within a three-year period; or

3 (B) one violation of a law that regulates the
4 operation of a motor vehicle at a railroad grade crossing; or

5 (2) 120 days if convicted of:

6 (A) three serious traffic violations arising
7 from separate incidents occurring within a three-year period; or

8 (B) two violations of a law that regulates the
9 operation of a motor vehicle at a railroad grade crossing that occur
10 within a three-year period.

11 (b) Except as provided by this subsection, this ~~[This]~~
12 subsection applies to a violation committed while operating any
13 type of motor vehicle, including a commercial motor vehicle~~[~~
14 ~~except as provided by this subsection]~~. A person who holds a
15 commercial driver's license or commercial learner's permit is
16 disqualified from driving a commercial motor vehicle for one year:

17 (1) if convicted of three violations of a law that
18 regulates the operation of a motor vehicle at a railroad grade
19 crossing that occur within a three-year period;

20 (2) on first conviction of:

21 (A) driving a motor vehicle under the influence
22 of alcohol or a controlled substance, including a violation of
23 Section 49.04, 49.045, or 49.07, Penal Code;

24 (B) leaving the scene of an accident involving a
25 motor vehicle driven by the person;

26 (C) using a motor vehicle in the commission of a
27 felony, other than a felony described by Subsection (d)(2);

1 (D) causing the death of another person through
2 the negligent or criminal operation of a motor vehicle; or

3 (E) driving a commercial motor vehicle while the
4 person's commercial driver's license or commercial learner's permit
5 is revoked, suspended, or canceled, or while the person is
6 disqualified from driving a commercial motor vehicle, for an action
7 or conduct that occurred while operating a commercial motor
8 vehicle;

9 (3) for refusing to submit to a test under Chapter 724
10 to determine the person's alcohol concentration or the presence in
11 the person's body of a controlled substance or drug while operating
12 a motor vehicle in a public place; or

13 (4) if an analysis of the person's blood, breath, or
14 urine under Chapter 522, 524, or 724 determines that the person:

15 (A) had an alcohol concentration of 0.04 or more,
16 or that a controlled substance or drug was present in the person's
17 body, while operating a commercial motor vehicle in a public place;
18 or

19 (B) had an alcohol concentration of 0.08 or more
20 while operating a motor vehicle, other than a commercial motor
21 vehicle, in a public place.

22 (e) A person may not be issued a commercial driver's license
23 or a commercial learner's permit and is disqualified from operating
24 a commercial motor vehicle if, in connection with the person's
25 operation of a commercial motor vehicle, the person commits an
26 offense or engages in conduct that would disqualify the holder of a
27 commercial driver's license from operating a commercial motor

1 vehicle, or is determined to have had an alcohol concentration of
2 0.04 or more or to have had a controlled substance or drug present
3 in the person's body. The period of prohibition under this
4 subsection is equal to the appropriate period of disqualification
5 required by Subsections (a)-(d).

6 (g) A person who holds a commercial driver's license or
7 commercial learner's permit is disqualified from operating a
8 commercial motor vehicle if the person's driving is determined to
9 constitute an imminent hazard under 49 C.F.R. Section 383.52. The
10 disqualification is for the disqualification period imposed under
11 that section and shall be noted on the person's driving record.

12 SECTION 30. Section 522.084, Transportation Code, is
13 amended to read as follows:

14 Sec. 522.084. NOTIFICATION TO OTHER JURISDICTION. After
15 disqualifying a person who has a domicile in another state or in a
16 foreign jurisdiction, the department shall give notice of that fact
17 to the licensing authority of the state that issued the person's
18 driver's license, commercial driver's license, or commercial
19 [~~driver~~] learner's permit.

20 SECTION 31. Section 522.087, Transportation Code, is
21 amended by adding Subsection (d) to read as follows:

22 (d) A disqualification imposed under Section
23 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) takes effect on the
24 10th day after the date the department issues the order of
25 disqualification.

26 SECTION 32. Section 522.089, Transportation Code, is
27 amended to read as follows:

1 Sec. 522.089. EFFECT OF SUSPENSION, REVOCATION,
2 CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW. (a)
3 A suspension, revocation, cancellation, or denial of a driver's
4 license, permit, or privilege under Chapter 521 or another law of
5 this state disqualifies the person under this chapter.

6 (b) If the department disqualifies a person under this
7 chapter [~~disqualifies a person~~] for a longer period than the other
8 law, the person is disqualified for the longer period.

9 SECTION 33. Effective January 30, 2014, Subchapter H,
10 Chapter 522, Transportation Code, is amended by adding Section
11 522.093 to read as follows:

12 Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. The
13 department shall remove the commercial driver's license privilege
14 from the holder of a commercial driver's license or a commercial
15 learner's permit if the holder:

16 (1) fails to provide the department a
17 self-certification of operating status; or

18 (2) fails to provide and maintain with the department
19 a current medical examiner's certificate that is required based on
20 the self-certification.

21 SECTION 34. Section 522.105(a), Transportation Code, is
22 amended to read as follows:

23 (a) On receipt of a report under Section 522.104, the
24 department shall disqualify the person from driving a commercial
25 motor vehicle under Section 522.081 beginning on the 45th day after
26 the date the report is received unless a hearing is granted.

27 SECTION 35. Section 524.001(10), Transportation Code, is

1 amended to read as follows:

2 (10) "Driver's license" has the meaning assigned by
3 Section 521.001. The term includes a commercial driver's license
4 or a commercial [~~driver~~] learner's permit issued under Chapter 522.

5 SECTION 36. Section 543.007, Transportation Code, is
6 amended to read as follows:

7 Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR
8 LICENSE. A notice to appear issued to the operator of a commercial
9 motor vehicle or holder of a commercial driver's license or
10 commercial [~~driver~~] learner's permit, for the violation of a law
11 regulating the operation of vehicles on highways, must contain the
12 information required by department rule, to comply with Chapter 522
13 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title
14 49, U.S.C. Section 2701 et seq.).

15 SECTION 37. Section 543.202(b), Transportation Code, is
16 amended to read as follows:

17 (b) The record must be made on a form or by a data processing
18 method acceptable to the department and must include:

19 (1) the name, address, physical description,
20 including race or ethnicity, date of birth, and driver's license
21 number of the person charged;

22 (2) the registration number of the vehicle involved;

23 (3) whether the vehicle was a commercial motor vehicle
24 as defined by Chapter 522 or was involved in transporting hazardous
25 materials;

26 (4) the person's social security number, if the person
27 was operating a commercial motor vehicle or was the holder of a

1 commercial driver's license or commercial [~~driver~~] learner's
2 permit;

3 (5) the date and nature of the offense, including
4 whether the offense was a serious traffic violation as defined by
5 Chapter 522;

6 (6) whether a search of the vehicle was conducted and
7 whether consent for the search was obtained;

8 (7) the plea, the judgment, whether the individual was
9 adjudicated under Article 45.0511, Code of Criminal Procedure, and
10 whether bail was forfeited;

11 (8) the date of conviction; and

12 (9) the amount of the fine or forfeiture.

13 SECTION 38. Subchapter I, Chapter 545, Transportation Code,
14 is amended by adding Section 545.4255 to read as follows:

15 Sec. 545.4255. CERTAIN COMMUNICATIONS BY OPERATOR OF
16 COMMERCIAL MOTOR VEHICLE PROHIBITED; OFFENSE. (a) In this
17 section:

18 (1) "Driving" means operating a vehicle on a highway,
19 including while temporarily stopped because of traffic, a traffic
20 control device, or other momentary delays. The term does not
21 include stationary operation of the vehicle alongside or off of a
22 highway in a safe location.

23 (2) "Text message" means a message generated by
24 manually entering alphanumeric characters into an electronic
25 device. The term includes a short message service, e-mail, instant
26 message, a command or request to access an Internet website, a voice
27 communication using a wireless communication device that requires

1 pressing more than one button to initiate or terminate, or any other
2 form of electronic text for present or future communication.

3 (b) The operator of a commercial motor vehicle may not
4 generate, send, or read a text message while driving the vehicle.

5 (c) A person who violates Subsection (b) commits an offense.
6 An offense under this subsection is a Class C misdemeanor.

7 (d) This section does not apply to:

8 (1) an operator of a commercial motor vehicle who:

9 (A) inputs, selects, or reads information on a
10 global positioning or navigation system;

11 (B) presses a single button to initiate or
12 terminate a voice communication using a wireless communication
13 device;

14 (C) uses a device capable of performing multiple
15 functions, such as a fleet management system, dispatch service,
16 smart phone, citizens band radio, or music player, in a manner that
17 is not prohibited by this section; or

18 (D) communicates with law enforcement officials
19 or other emergency services personnel; or

20 (2) a law enforcement officer, firefighter, or
21 operator of an authorized emergency vehicle communicating while
22 engaged in the performance of official duties.

23 SECTION 39. Article 62.060(a), Code of Criminal Procedure,
24 is amended to read as follows:

25 (a) A person subject to registration under this chapter
26 shall apply to the department in person for the issuance of, as
27 applicable, an original or renewal driver's license under Section

1 521.272, Transportation Code, an original or renewal personal
2 identification certificate under Section 521.103, Transportation
3 Code, or an original or renewal commercial driver's license or
4 commercial [~~driver~~] learner's permit under Section 522.033,
5 Transportation Code, not later than the 30th day after the date:

6 (1) the person is released from a penal institution or
7 is released by a court on community supervision or juvenile
8 probation; or

9 (2) the department sends written notice to the person
10 of the requirements of this article.

11 SECTION 40. Section 522.029(f), Transportation Code, as
12 added by Chapter 1156 (S.B. 99), Acts of the 75th Legislature,
13 Regular Session, 1997, is repealed.

14 SECTION 41. (a) The changes in law made by this Act to
15 Sections 522.011, 522.042, and 522.071, Transportation Code, apply
16 only to an offense that is committed on or after the effective date
17 of this Act. An offense committed before the effective date of this
18 Act is governed by the law in effect on the date the offense was
19 committed, and the former law is continued in effect for that
20 purpose. For purposes of this subsection, an offense was committed
21 before the effective date of this Act if any element of the offense
22 occurred before that date.

23 (b) The change in law made by this Act to Section 522.021,
24 Transportation Code, applies only to an application for a license
25 that is filed on or after the effective date of this Act.

26 (c) The changes in law made by this Act to Sections 522.029,
27 522.033, and 522.051, Transportation Code, apply only to a license

S.B. No. 40

1 or permit that is issued on or after the effective date of this Act.

2 SECTION 42. Except as otherwise provided by this Act, this

3 Act takes effect January 1, 2014.