

BILL ANALYSIS

Senate Research Center
83R21256 DRH-F

C.S.S.B. 1664
By: Nichols
Transportation
4/17/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Public Safety of the State of Texas (DPS) has the authority to issue commercial learner's permits (CLPs) and commercial driver's licenses (CDLs). However, Texas must ensure continued compliance with federal regulations in order to maintain this authority. Interstate commerce, in particular, will be adversely affected if DPS is prevented from issuing CLPs and CDLs to those drivers who cross state lines transporting goods to consumers and businesses throughout the country.

Texas risks the loss of several million dollars in federal highway funds if it does not comply with Federal Motor Carrier Safety Administration (FMCSA) rules and regulations. Numerous federal regulations have recently been enacted, so Texas needs to make several statutory changes to maintain federal compliance. C.S.S.B. 1664 amends Chapter 522 (Commercial Driver's License) of the Transportation Code, the Texas Commercial Driver's License Act, to make the conforming changes necessary to maintain federal compliance.

C.S.S.B. 1664 amends current law relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles, and creates an offense.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 36 (Section 543.007, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 522.003, Transportation Code, by amending Subdivisions (4), (12), (22), (23), and (25) to redefine "commercial learner's permit," "driver's license," "non-domiciled commercial driver's license," "out-of-service order," and "serious traffic violation" and adding Subdivisions (22-a) and (23-a) to define "non-domiciled commercial learner's permit" and "person."

SECTION 2. Amends 522.011, Transportation Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Prohibits a person from driving a commercial motor vehicle, as per certain guidelines, unless:

(1) Makes no change to this subdivision;

(2) the person:

(A) has in the person's immediate possession a commercial learner's permit (CLP), rather than a commercial driver learner's permit (CDLP), and driver's license issued by the Department of Public Safety of the State of Texas (DPS); and

(B) is accompanied by the holder of a commercial driver's license (CDL) issued by DPS with any necessary endorsements appropriate for the class

of vehicle being driven, and the license holder; for the purpose of giving instruction in driving the vehicle, at all times occupies a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location that allows for direct observation and supervision of the permit holder, rather than for the purpose of giving instruction in driving the vehicle; or

(3) Makes no change to this subdivision.

(e) Provides that it is a defense to prosecution for a violation of Subsection (a)(2)(A) if the person charged produces in court a CLP or driver's license, as appropriate, that was issued to the person and was valid when the offense was committed.

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

SECTION 3. Amends Section 522.013, Transportation Code, as follows:

Sec. 522.013. New heading: NON-DOMICILED LICENSE OR PERMIT. (a) Authorizes DPS to issue a non-domiciled CDL or CLP to a person domiciled in a foreign jurisdiction, rather than authorizing DPS to issue a nonresident CDL to a resident of a foreign jurisdiction, if the secretary has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established by 49 C.F.R. Part 383. Changes references to nonresident CDL to non-domiciled CDL.

(b) Requires an applicant for a non-domiciled CDL to surrender any non-domiciled CDL, rather than any nonresident CDL, issued by another state.

(c) Requires DPS, before issuing a non-domiciled CDL, rather than a nonresident CDL, to establish the practical capability of disqualifying the person under the conditions applicable to a CDL issued to a resident of this state. Requires DPS, before issuing a non-domiciled CLP, to establish the practical capability of disqualifying the person under the conditions applicable to a CLP issued to a resident of this state.

(d) Requires that "non-domiciled," rather than "non resident," appear on the face of a license or permit issued under this section.

(e) Authorizes DPS to issue a temporary non-domiciled CDL to a person who does not present a social security card as required by Section 522.021(a-1)(1) but who otherwise meets the requirements for a non-domiciled CDL, including the requirement that the commercial motor vehicle testing and licensing standards of the country of which the applicant is domiciled not meet the testing and licensing standards established by 49 C.F.R. Part 383. Provides that a license issued under this subsection:

(1) expires on the earlier of:

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

(B) the expiration date of the Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1)(2)(C); and

(2) may not be renewed.

Deletes existing text providing that a license issued under this subsection expires on the earlier of the expiration date of the visa presented under Section 522.021(a-1)(2)(B). Makes conforming changes.

- (f) Prohibits DPS from issue more than one temporary non-domiciled CDL to a person.

SECTION 4. Amends Section 522.014, Transportation Code, as follows:

Sec. 522.014. PERMIT. (a) Creates this subsection from existing text. Authorizes DPS to issue a CLP, rather than a CDLP, to an individual who has been issued a driver's license by DPS, and has passed the vision and written tests required for the class of vehicle to be driven, rather than tests required for a Texas driver's license appropriate for the class of vehicle to be driven.

- (b) Requires that a CLP be a separate document from a driver's license or a CDL.
- (c) Provides that the issuance of a CLP is required for the initial issuance of a CDL or the upgrade in classification of a CDL that requires a skills test.
- (d) Prohibits a CLP holder from taking a CDL skills test before the 15th day after the date of the issuance of the permit.

SECTION 5. Amends Section 522.015, Transportation Code, to authorize a person to drive a commercial motor vehicle in this state if the person meets certain guidelines, including, if the person has a permit, the person also has a driver's license issued by the same jurisdiction that issued the permit, and to make conforming and nonsubstantive changes.

SECTION 6. Amends Sections 522.021(a), (a-1), and (d), Transportation Code, as follows:

(a) Requires an applicant for a CDL or a CLP, rather than an applicant for a CDL or CDLP, to include certain information, including the applicant's social security number, unless the application is for a non-domiciled CDL and the applicant is domiciled in a foreign jurisdiction, rather than unless the application is for a nonresident CDL and the applicant is a resident of a foreign jurisdiction.

(a-1) Requires an applicant, if the application is for a non-domiciled CDL and the applicant is domiciled in a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, to present:

- (1) a social security card issued to the applicant;
- (2) either:
 - (A) an unexpired foreign passport issued to the applicant and a Form I-94 Arrival/Departure record or a successor document; or
 - (B) an unexpired employment authorization document; and
- (3) an unexpired employment authorization document; and documentation demonstrating proof of Texas residency as provided by Section 522.0225 (Verification of Domicile).

Deletes existing text requiring an applicant, if the application is for a nonresident CDL and the applicant is a resident of a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, to present certain information, including a passport issued to the applicant by the country of which the applicant is a resident, a Temporary Worker visa, and a Form I-94 Arrival/Departure record or a successor document.

(d) Provides that a person who knowingly falsifies information or a certification required by Subsection (a) commits an offense and is subject to a 60-day disqualification of the

person's CDL, CLP, or application, rather than is subject to a 60-day cancellation of the person's CDL, CDLP, or application.

SECTION 7. Amends Section 522.022, Transportation Code, to prohibit DPS from issuing a CDL other than a non-domiciled license, rather than a nonresident license, to a person unless the person has met certain requirements.

SECTION 8. Amends Section 522.023, Transportation Code, by adding Subsection (j), to authorize DPS to administer a skills test to a person who holds a CLP issued by another state or jurisdiction.

SECTION 9. Amends Section 522.025, Transportation Code, as follows:

Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT. (a) Changes references to CDLP to CLP.

(b) Requires DPS to notify the issuing state of the surrendered license or permit, rather than requires DPS to return a surrendered license or permit to the issuing state for cancellation. Changes references to CDLP to CLP.

SECTION 10. Amends Section 522.027, Transportation Code, to prohibit DPS from issuing a CDL or a CLP, rather than from issuing a CDL or CDLP, to a person who is younger than 18 years of age.

SECTION 11. Amends Section 522.028, Transportation Code, to require DPS, before issuing a CDL or CLP, to check the applicant's driving record as required by 49 C.F.R. Section 383.73.

SECTION 12. Amends Section 522.029, Transportation Code, by amending Subsections (a), (b), (c), (h), (j), and (k) and adding Subsections (h-1) and (l), as follows:

(a) Provides that the fee for a CDL, rather than a CDL or CDLP, issued by DPS is \$60, except as provided by Subsections (f), (h), (j), and (k).

(b) Requires that the fee for a CDL, rather than a CDL or CDLP, be reduced by \$4 for each remaining year of validity of a driver's license, other than a CDL, rather than other than a CDL or CDLP, issued by DPS to the applicant.

(c) Provides that the fee for a duplicate CDL or CLP, rather than a duplicate CDL or CDLP, is \$10.

(h) Provides that the fee for a CDL, rather than for a CDL or CDLP, issued under Section 522.033 (Commercial Driver's License Issued to Certain Sex Offenders) is \$20.

(h-1) Provides that the fee for the issuance or renewal of a CLP is \$24.

(j) Provides that the fee for issuance or renewal of a CDL, rather than of a CDL or CDLP, is \$25 for a license with an expiration date established under Section 522.054.

(k) Provides that the fee for a non-domiciled CDL, rather than a nonresident CDL, or non-domiciled CLP is \$120. Provides that the fee for a temporary non-domiciled CDL, rather than a nonresident CDL, is \$20.

(l) Provides that the fee for the administration of a skills test to a person who is not domiciled in this state is \$60.

SECTION 13. Amends Section 522.029(f), Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, to provide that the fee for a driver's license, rather than a driver's license or permit, is increased by \$8, if a CDL, rather than a CDL or CDLP, includes an authorization to operate a motorcycle or moped.

SECTION 14. Amends Section 522.030(a), Transportation Code, to require a CDL or CLP to be marked "Commercial Driver License" or "CDL" for a CDL, or "Commercial Learner's Permit" or "CLP" for a CLP; be, to the extent practicable, tamper-proof; and include certain information, including the name and domicile address, rather than the name and mailing address, of the person to whom it is issued, and the person's photograph, rather than color photograph.

SECTION 15. Amends Sections 522.032(a) and (b), Transportation Code, as follows:

(a) Requires the holder of a CDL or CLP, rather than a holder of a CDL or CDLP, who changes the holder's name or mailing address must apply for a duplicate license or permit not later than the 30th day after the date of the change in the manner provided by Section 521.054 (Notice of Change of Address or Name).

(b) Requires the holder of a CDL or CLP, rather than the holder of a CDL or CDLP, who changes the holder's residence address to notify DPS not later than the 30th day after the date of the change.

SECTION 16. Amends Section 522.033, Transportation Code, as follows:

(a) Authorizes DPS to issue an original or renewal CDL or CLP, rather than an original or renewal CDL or CDLP, to a person whose driver's license or personal identification certificate record indicates that the person is subject to the registration requirements of Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, only if the person is otherwise eligible for the CDL or CLP, rather than for the CDL or the CDLP, and adheres to certain requirements.

(b) Provides that a CDL or CLP issued under this section, notwithstanding Sections 522.013 and 522.051 (Expiration of License or Permit), including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

Deletes existing text providing that a CDL or CDLP, notwithstanding Section 522.051, issued under this section, including a renewal, duplicate, or corrected license, expires if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or if the applicant is not described by Subdivision (1), on the earlier of the expiration date of the applicant's authorized stay in the United States, or the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 17. Amends Sections 522.034(a) and (b), Transportation Code, as follows:

(a) Require an applicant for an original CDL, rather than an original CDL or CDLP, that includes an authorization to operate a motorcycle to furnish to DPS evidence satisfactory to DPS that the applicant has successfully completed a basic motorcycle operator training course approved by DPS under Chapter 662 (Motorcycle Operator Training and Safety).

(b) Prohibits DPS from issuing an original CDL, rather than an original CDL or CDLP, that includes an authorization to operate a motor cycle to an applicant who fails to comply with Subsection (a).

SECTION 18. Amends Sections 522.041(a) and (e), Transportation Code, as follows:

(a) Authorizes DPS to issue a Class A, Class B, or Class C CDL or CLP.

(e) Authorizes the holder of a CDL or CLP to drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle or moped.

SECTION 19. Amends Section 522.042, Transportation Code, by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f), as follows:

(b) Authorizes DPS to issue a CLP with endorsements authorizing the driving of a passenger vehicle, a school bus, or a tank vehicle.

(c) Provides that an endorsement under Subsection (b) for a passenger vehicle or a school bus allows a permit holder to operate a vehicle with only certain passengers, namely federal or state auditors and inspectors, test examiners, or other permit holders, and the commercial driver's license holder required under Section 522.011(a)(2)(B).

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

(e) Prohibits the holder of a CDL or CLP from driving a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit.

(f) Redesignates existing Subsection (c) as Subsection (f). Provides that a person commits an offense if the person violates Subsection (c), (d), or (e), rather than if the person violates Subsection (b).

SECTION 20. Amends Section 522.051, Transportation Code, by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (h), as follows:

(a) Provides that an original CDL, except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, expires five years after the applicant's next birthday, rather than provides that an original CDL or CDLP, except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, expires five years after the applicant's next birthday.

(b) Provides that a CDL, except as provided by Section 522.054, issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of CDL expires five years after the applicant's next birthday, rather than provides that a CDL or CDLP, except as provided by Section 522.054, issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the CDL or CDLP, expires five years after the applicant's next birthday.

(c) Provides that a CDL, except as provided by Section 522.054, issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of CDL or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license, rather than provides that a CDL or CDLP, except as provided by Section 522.054, issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of CDL or CDLP or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(d) Provides that a CDL, except as provided by Section 522.054, issued a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday, rather than provides that a CDL or CDLP issued a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

(f) Provides that a non-domiciled CDL other than a temporary non-domiciled CDL under Section 522.013(e) , except as provided by Section 522.013, expires on the earlier of the

first birthday of the license holder occurring after the fifth anniversary of the date of the application; or the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or the first anniversary of the date of issuance, if there is no definitive expiration date for the applicant's authorized stay in the United States.

Deletes existing text providing that a nonresident CDL other than a temporary nonresident CDL under Section 522.013(e), except as provided by Section 522.013, expires on the earlier of the expiration date of the visa presented under Section 522.021(a-1)(2)(B); or the expiration date of the Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1)(2)(C).

(h) Provides that a CLP expires on the earlier of the expiration date of the driver's license or CDL or the 181st day after the date of issuance.

SECTION 21. Amends Section 522.052(e), Transportation Code, to authorize a CDLP to be renewed once for an additional 180 days without requiring the applicant to retake the general and endorsement knowledge tests, rather than prohibit a CDLP from being renewed.

SECTION 22. Amends Section 522.054(a), Transportation Code, to provide that each original CDL of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application, rather than each original CDL and CDLP of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

SECTION 23. Amends Section 522.0541, Transportation Code, as follows:

Sec. 522.0541. New heading: DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE OR LEARNER PERMIT. (a) Authorizes DPS, in the manner ordered by a court in another state in connection with a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control and on receipt of the necessary information from the other state, to deny renewal of the CDL or CLP issued to a person by DPS for the person's failure to follow certain guidelines, including the person's failure to answer a citation or to pay fines, penalties, or costs related to the original violation. Makes nonsubstantive changes.

(b) Makes no change to this subsection.

(c) Requires DPS to apply any notification received under Subsection (a) as a conviction to the person's driving record.

SECTION 24. Amends Section 522.055, Transportation Code, to require DPS, on receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license or CLP based on the holder's previous failure to appear, rather than the license holder's previous failure to appear, or failure to pay a fine and costs previously reported by that state under Section 522.0541 have ceased to exist to renew the person's CDL or CLP.

SECTION 25. Amends Sections 522.061(a), (b), and (c), Transportation Code, as follows:

(a) Requires a person who holds or is required to hold a CDL or a CLP under this chapter and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control to notify DPS in the manner specified by DPS not later than the seventh day after the date of conviction.

(b) Requires a person who holds or is required to hold a CDL or CLP under this chapter and who is convicted in this state or another state of violating a state law or local ordinance relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, to notify the person's employer in writing of the conviction not later than the seventh day after the date of conviction.

(c) Requires that a notification to DPS or an employer be in writing and contain certain information, including the driver's license or permit number.

SECTION 26. Amends Section 522.062(a), Transportation Code, to require DPS, if a person holds a driver's license, CDL, or CLP issued by another state and is finally convicted of a violation of a state traffic law or local traffic ordinance that was committed in a commercial motor vehicle, to notify the driver's licensing authority in the issuing state of that conviction, in the time and manner required by 49 U.S.C. Section 31311.

SECTION 27. Reenacts Section 522.071(a), Transportation Code, as amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of the 80th Legislature, Regular Session, 2007, and amends it to provide that a person commits an offense if the person drives a commercial motor vehicle on a highway, in violation of certain requirements, including after the person has been denied the issuance of a license or permit, unless the person has a driver's license appropriate for the class of vehicle being driven that was subsequently issued; during a period that a disqualification of the person's driver's license, permit, or privilege is in effect; while the person's driver's license or permit is expired, if the license or permit expired during a period of disqualification; or during a period that the person was subject to an order prohibiting the person from obtaining a driver's license or permit.

SECTION 28. Amends Section 522.071(b), Transportation Code, to provide that it is not a defense to prosecution that the person had not received notice of a disqualification imposed as a result of a conviction that results in an automatic disqualification of the person's driver's license, permit, or privilege.

SECTION 29. Amends Sections 522.081(a), (b), (e), and (g), Transportation Code, as follows:

(a) Provides that a person who holds a CDL or CLP is disqualified from driving a commercial motor vehicle for certain lengths of time for certain violations.

(b) Provides that this subsection applies to a violation committed while operating any type of motor vehicle, including a commercial motor vehicle, except as provided by this subsection. Provides that a person who holds a CDL or CLP is disqualified from driving a commercial motor vehicle for one year:

(1) Makes no change to this subdivision;

(2) on first conviction of:

(A) driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.07 Intoxication Assault, Penal Code;

(B)-(D) Makes no change to these paragraphs; or

(E) driving a commercial motor vehicle while the person's CDL or CLP is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle; or

(3)-(4) Makes no change to these subdivisions.

(e) Prohibits a person from being issued a CDL or CLP and disqualifies the person from operating a commercial motor vehicle if, in connection with the person's operation of a commercial motor vehicle, the person commits an offense or engages in conduct that would disqualify the holder of a CDL from operating a commercial motor vehicle, or is determined to have had an alcohol concentration of 0.04 or more or to have had a controlled substance or drug present in the person's body.

(g) Provides that a person who holds a CDL or CLP is disqualified from operating a commercial motor vehicle if the person's driving is determined to constitute an imminent hazard under 49 C.F.R. Section 383.52.

SECTION 30. Amends Section 522.084, Transportation Code, to require DPS, after disqualifying a person who has a domicile in another state or in a foreign jurisdiction, to give notice of that fact to the licensing authority of the state that issued the person's driver's license, CDL, or CLP, rather than the person's driver's license, CDL, or CDLP.

SECTION 31. Amends Section 522.087, Transportation Code, by adding Subsection (d), to provide that a disqualification imposed under Section 522.081(a)(1)(B) (relating to the disqualification of a person who holds a CDL or CLP from driving a commercial motor vehicle for 60 days if convicted of one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing) or 522.081(b)(2) or (d)(2) (relating to the disqualification of a person from driving a commercial vehicle for life if the person uses a motor vehicle in the commission of a certain felony) takes effect on the 10th day after the date DPS issues the order of disqualification.

SECTION 32. Amends Section 522.089, Transportation Code, as follows:

Sec. 522.089. New heading: EFFECT OF SUSPENSION, REVOCATION, CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW.

(a) Provides that a suspension, revocation, cancellation, or denial of a driver's license, permit, or privilege under Chapter 521 or another law of this state disqualifies the person under this chapter.

(b) Provides that a person is disqualified for a longer period, if DPS disqualifies the person under this chapter, rather if this chapter disqualifies a person, for a longer period than the other law, the person is disqualified for the longer period.

SECTION 33. Amends Subchapter H, Chapter 522, Transportation Code, by adding Section 522.093, effective January 30, 2014, as follows:

Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. Requires DPS to remove the CDL privilege from the holder of a CDL or a CLP if the holder fails to provide DPS a self-certification of operating status; or fails to provide and maintain with DPS a current medical examiner's certificate that is required based on the self-certification.

SECTION 34. Amends Section 522.105(a), Transportation Code, to require DPS, on receipt of a report under Section 522.104 (Submission of Report to Department), to disqualify the person from driving a commercial motor vehicle under Section 522.081 beginning on the 45th day after the date the report is received unless a hearing is granted.

SECTION 35. Amends Section 524.001(10), Transportation Code, to redefine "driver's license."

SECTION 36. Amends Section 543.007, Transportation Code, to require that a notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or CLP, rather than a CDL or CDLP, for the violation of a law regulating the operation of vehicles on highways, contain the information required by DPS rule, to comply with Chapter 522 (Commercial Driver's Licenses) and the federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701 et seq.).

SECTION 37. Amends Section 543.202(b), Transportation Code, to require that the record be made on a form or by a data processing method acceptable to DPS and to include certain information, including the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or CLP, rather than a CDL or CDLP.

SECTION 38. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4255, as follows:

Sec. 545.4255. CERTAIN COMMUNICATIONS BY OPERATOR OF COMMERCIAL MOTOR VEHICLE PROHIBITED; OFFENSE. (a) Defines "driving" and "text message" in this section.

(b) Prohibits the operator of a commercial motor vehicle from generating, sending, or reading a text message while driving the vehicle.

(c) Provides that a person who violates Subsection (b) commits an offense. Provides that an offense under this subsection is a Class C misdemeanor.

(d) Provides that this section does not apply to:

(1) an operator of a commercial motor vehicle who inputs, selects, or reads information on a global positioning or navigation system; presses a single button to initiate or terminate a voice communication using a wireless communication device; uses a device capable of performing multiple functions, such as a fleet management system, dispatch service, smart phone, citizens band radio, or music player, in a manner that is not prohibited by this section; or communicates with law enforcement officials or other emergency services personnel; or

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

SECTION 39. Amends Article 62.060(a), Code of Criminal Procedure, to require a person subject to registration under this chapter to apply to DPS in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272 (Renewal of License Issued to Certain Sex Offenders), Transportation Code, an original or renewal personal identification certificate under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders), Transportation Code, or an original or renewal CDL or CLP, rather than or CDLP, under Section 522.033, Transportation Code, not later than the 30th day after certain dates.

SECTION 40. Repealer: Section 522.029(f) (relating to providing that the fee for the driver's license or permit is increased by \$8, if a CDL or CDLP includes an authorization to operate a motorcycle or moped), Transportation Code, as added by Chapter 1156 (S.B. 99), Acts of the 75th Legislature, Regular Session, 1997.

SECTION 41. (a) Makes application of Sections 522.011, 522.042, and 522.071, Transportation Code, prospective.

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

(c) Provides that the changes in law made by this Act to Sections 522.029 (Fees), 522.033, and 522.051, Transportation Code, apply only to a license or permit that is issued on or after the effective date of this Act.

SECTION 42. Effective date, except as otherwise provided by this Act: January 1, 2014.