

By: Rodriguez of Travis

H.B. No. 2073

A BILL TO BE ENTITLED

AN ACT

1
2 relating to driving with certain untreated sleep disorders or
3 employing a person with an untreated sleep disorder as a commercial
4 motor vehicle driver; creating offenses.

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

6 SECTION 1. Subchapter I, Chapter 545, Transportation Code,
7 is amended by adding Section 545.428 to read as follows:

8 Sec. 545.428. DRIVING WITH CERTAIN UNTREATED SLEEP
9 DISORDERS; OFFENSE. (a) A person commits an offense if the person:

10 (1) has been diagnosed with sleep apnea or another
11 sleep disorder by a physician but is not receiving medical
12 treatment for the diagnosed disorder; and

13 (2) operates a motor vehicle and by reason of the
14 person's diagnosed disorder causes injury to another person by
15 accident or mistake.

16 (b) An offense under this section is a Class A misdemeanor,
17 except that if it is shown on the trial of an offense under this
18 section that as a result of the commission of the offense a
19 collision occurred causing death, the offense is a state jail
20 felony.

21 SECTION 2. The heading to Subchapter F, Chapter 522,
22 Transportation Code, is amended to read as follows:

23 SUBCHAPTER F. NOTIFICATION OF CONVICTION, ADMINISTRATIVE ACTION,

24 ~~OR~~ PREVIOUS EMPLOYMENT, OR CERTAIN MEDICAL DIAGNOSES

1 SECTION 3. Subchapter F, Chapter 522, Transportation Code,
2 is amended by adding Section 522.065 to read as follows:

3 Sec. 522.065. NOTIFICATION OF DIAGNOSIS OF CERTAIN SLEEP
4 DISORDERS. (a) A person who applies for employment as a commercial
5 motor vehicle driver shall provide the employer, at the time of the
6 application, with any history of sleep apnea or other sleep
7 disorder that has been diagnosed by a physician, and any medical
8 treatment the applicant is receiving for that disorder.

9 (b) The applicant must certify that the information
10 furnished is true and complete. An employer may require an
11 applicant to provide additional information.

12 (c) If at any time during employment as a commercial motor
13 vehicle driver, a person is diagnosed by a physician with sleep
14 apnea or another sleep disorder, the person must immediately
15 provide the person's employer with the information described by
16 Subsection (a).

17 SECTION 4. Sections 522.072(a) and (b-1), Transportation
18 Code, are amended to read as follows:

19 (a) An employer may not knowingly permit a person to drive a
20 commercial motor vehicle during a period in which:

21 (1) the person has been denied the privilege of
22 driving a commercial motor vehicle;

23 (2) the person is disqualified from driving a
24 commercial motor vehicle;

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

27 [~~or~~]

1 (4) the person has more than one commercial driver's
2 license, except during the 10-day period beginning on the date the
3 person is issued a driver's license; or

4 (5) the person has been diagnosed with sleep apnea or
5 another sleep disorder and is not receiving medical treatment for
6 that disorder.

7 (b-1) An employer who violates Subsection (a) or (b) commits
8 an offense. An offense under this subsection is a Class B
9 misdemeanor, except that an offense under Subsection (a)(5) is a
10 Class A misdemeanor.

11 SECTION 5. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 6. This Act takes effect September 1, 2013.