

By: Kolkhorst

H.B. No. 2132

A BILL TO BE ENTITLED

AN ACT

relating to the certification and regulation of escort flag vehicle pilots; authorizing fees.

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

SECTION 1. Subtitle C, Title 14, Occupations Code, is amended by adding Chapter 2402 to read as follows:

CHAPTER 2402. ESCORT FLAG VEHICLE PILOTS

Sec. 2402.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of the department.

(2) "Department" means the Texas Department of Motor Vehicles.

(3) "Escort flag vehicle" means a vehicle that precedes or follows an oversize or overweight vehicle, including a towed manufactured house, for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.

(4) "Escort flag vehicle pilot" means a person who operates an escort flag vehicle.

Sec. 2402.002. CERTIFICATION REQUIRED. A person may not act as an escort flag vehicle pilot unless the person is certified under this chapter.

Sec. 2402.003. ISSUANCE AND RENEWAL OF CERTIFICATION. (a) The board shall issue a certification to act as an escort flag vehicle pilot to a person who:

(1) demonstrates to the board's satisfaction that the

1 person has successfully completed a course that meets the minimum
2 requirements described by the Pilot Car Escort Best Practices
3 Guidelines, as the publication exists on September 1, 2013,
4 endorsed by the Specialized Carriers and Rigging Association, the
5 United States Department of Transportation Federal Highway
6 Administration, and the Commercial Vehicle Safety Alliance; and

7 (2) meets any other requirements for certification
8 required by board rule.

9 (b) A certification issued under this section expires on the
10 fourth anniversary of issuance unless renewed in the manner
11 provided by board rule.

12 Sec. 2402.004. FEES. The board may establish and collect
13 reasonable and necessary fees in amounts sufficient to cover the
14 costs of administering this chapter.

15 Sec. 2402.005. RULES. The board shall adopt rules to
16 administer this chapter and as necessary to protect the public
17 health, safety, and welfare, including rules on:

18 (1) qualifications for certification, including
19 establishing a minimum age for certification and standards relating
20 to acceptable driving records for certification;

21 (2) renewal of a certification;

22 (3) standards of conduct for the holder of a
23 certification; and

24 (4) criteria for any continuing education of escort
25 flag vehicle pilots as required for certification renewal.

26 Sec. 2402.006. DISCIPLINARY ACTION. (a) The board may
27 deny, suspend, revoke, or reinstate a certification issued under

1 this chapter.

2 (b) The board by rule shall establish the grounds for
3 denial, suspension, revocation, or reinstatement of a
4 certification issued under this chapter and the procedures for
5 disciplinary action.

6 (c) Rules established under Subsection (b) must provide for
7 the denial, suspension, or revocation of a certification for a
8 conviction arising from the driving of a motor vehicle, other than a
9 parking, vehicle weight, or vehicle defect violation, for:

10 (1) excessive speeding, involving a single charge of
11 driving 15 miles per hour or more above the posted speed limit;

12 (2) reckless driving, as defined by state or local
13 law;

14 (3) a violation of a state or local law related to
15 motor vehicle traffic control, including a law regulating the
16 operation of vehicles on highways, arising in connection with a
17 fatal accident;

18 (4) improper or erratic traffic lane change;

19 (5) following the vehicle ahead too closely;

20 (6) operating a vehicle without the proper license or
21 certification; or

22 (7) driving a motor vehicle under the influence of
23 alcohol or a controlled substance, including a violation of Section
24 49.04 or 49.07, Penal Code.

25 (d) A rule adopted under Subsection (b) regarding
26 procedures for disciplinary action may not conflict with a rule
27 adopted by the State Office of Administrative Hearings.

1 (e) A proceeding under this section is subject to Chapter
2 2001, Government Code.

3 (f) A person whose certification is revoked may not apply
4 for a new certification before the first anniversary of the date of
5 the revocation.

6 SECTION 2. The board of the Texas Department of Motor
7 Vehicles shall adopt the rules and fees necessary to implement
8 Chapter 2402, Occupations Code, as added by this Act, not later than
9 August 31, 2014.

10 SECTION 3. Notwithstanding Chapter 2402, Occupations Code,
11 as added by this Act, an individual acting as an escort flag vehicle
12 pilot is not required to hold a certification under that chapter to
13 act as an escort flag vehicle pilot before September 1, 2014.

14 SECTION 4. This Act takes effect September 1, 2013.