By: Nichols S.B. No. 1664

(In the Senate - Filed March 8, 2013; March 25, 2013, read first time and referred to Committee on Transportation; April 22, 2013, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 22, 2013, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Nichols	X			
Paxton	X			
Campbell	X			
Davis	X			
Ellis	X			
Hancock	X			
Patrick	X			
Uresti	X			
Watson	X			

COMMITTEE SUBSTITUTE FOR S.B. No. 1664 By: Nichols

A BILL TO BE ENTITLED
AN ACT

relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating an offense.

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

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

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

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

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

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

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

(A) a temporary prohibition against driving a commercial motor vehicle issued under Section 522.101, the law of another state, [~~or~~] 49 C.F.R. Section 383.5, 386.72, 392.5, 392.9a, 395.13, or 396.9, a law compatible with those federal regulations, or the North American Uniform Out-of-Service Criteria; or

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

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

(25) "Serious traffic violation" means:

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

(i) excessive speeding, involving a single

charge of driving 15 miles per hour or more above the posted speed limit;

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

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

(iv) improper or erratic traffic lane change;

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

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

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

(B) a violation of Section 522.015.

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

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

(1) the person:

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

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

(2) the person:

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

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

(i) 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 [~~for the purpose of giving instruction in driving the vehicle~~]; and

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

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

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

(1) was issued to the person; and

(2) was valid when the offense was committed.

(f) The court may 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. Section 522.013, Transportation Code, is amended to read as follows:

Sec. 522.013. NON-DOMICILED [~~NONRESIDENT~~] LICENSE OR PERMIT. (a) The department may issue a non-domiciled [~~nonresident~~] commercial driver's license or commercial learner's permit to a person domiciled in [~~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.

(b) An applicant for a non-domiciled commercial driver's license must surrender any non-domiciled [~~nonresident~~] commercial

driver's license issued by another state.

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

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

(e) The department may issue a temporary non-domiciled [~~nonresident~~] commercial driver's license 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 [~~nonresident~~] commercial driver's license, including the requirement that the commercial motor vehicle testing and licensing standards of the country of which the applicant is domiciled [~~a resident~~] not meet the testing and licensing standards established by 49 C.F.R. Part 383. 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 visa presented under Section 522.021(a-1)(2)(B); or~~

[~~(C)~~] 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.

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

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

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

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

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

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

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

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

(2) the upgrade in classification of a commercial driver's license that requires a skills test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) the applicant's date of birth;

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

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

(6) any other information required by the department.

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

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

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

(A) an unexpired foreign [~~a~~] passport issued to the applicant and a Form I-94 Arrival/Departure record or a successor document [~~by the country of which the applicant is a resident~~]; or

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

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

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

SECTION 7. Section 522.022, Transportation Code, is amended to read as follows:

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

(1) has a domicile in this state;

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

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

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

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

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

Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT. (a) The department may not issue a commercial driver's license or commercial [~~driver~~] learner's permit to a person who is disqualified from driving a commercial motor vehicle or while the

person's driver's license or driving privilege is suspended, revoked, or canceled in any state.

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

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

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

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

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

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

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

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

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

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

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

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

(k) The fee for a non-domiciled [~~nonresident~~] commercial driver's license or a non-domiciled commercial learner's permit is $120. The fee for a temporary non-domiciled [~~nonresident~~] commercial driver's license is $20.

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

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

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

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

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

(1) be marked:

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

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

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

(3) include:

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

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

(C) a physical description of the person,

including sex, height, and eye color;

(D) the person's date of birth;

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

(F) the person's signature;

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

(H) the name of this state; and

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

SECTION 15. Subsections (a) and (b), Section 522.032, Transportation Code, are amended to read as follows:

(a) The holder of a commercial driver's license or commercial [~~driver~~] learner's permit 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.

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

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

Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) The department may issue an original or renewal commercial driver's license or commercial [~~driver~~] learner's permit 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, Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial [~~driver~~] learner's permit and:

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

(2) pays a fee of $20.

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

[~~(1) 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~~

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

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

[~~(B) 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. Subsections (a) and (b), Section 522.034, Transportation Code, are amended to read as follows:

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

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

SECTION 18. Subsections (a) and (e), Section 522.041, Transportation Code, are amended to read as follows:

(a) The department may issue a Class A, Class B, or Class C

commercial driver's license or commercial learner's permit.

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

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

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

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

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

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

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

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

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

(a) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license [~~or commercial driver learner's permit~~] expires five years after the applicant's next birthday.

(b) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] 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 commercial driver's license [~~or commercial driver learner's permit~~] expires five years after the applicant's next birthday.

(c) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] 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 the commercial driver's license [~~or commercial driver learner's permit~~] 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) Except as provided by Section 522.054, a commercial driver's license [~~or commercial driver learner's permit~~] issued to 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) Except as provided by Section 522.013, a non-domiciled [~~nonresident~~] commercial driver's license other than a temporary non-domiciled [~~nonresident~~] commercial driver's license under Section 522.013(e) expires on [~~the earlier of~~]:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the fifth anniversary of the date of the application; or

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

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

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

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

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

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

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

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

(a) Each original commercial driver's license [~~and commercial driver learner's permit~~] 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. Section 522.0541, Transportation Code, is amended to read as follows:

Sec. 522.0541. DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE OR LEARNER PERMIT. (a) 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, the department may deny renewal of the commercial driver's license or commercial learner's permit issued to a person by the department for the person's:

(1) failure to appear in connection with a complaint or citation; [~~or~~]

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

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

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

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

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

(3) the nature of the violation; and

(4) any other information required by the department.

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

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

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. On receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license or commercial learner's permit based on 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, the department shall renew the person's commercial driver's license or commercial learner's permit.

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

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

(b) A person who holds or is required to hold a commercial

driver's license or commercial learner's permit 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, shall notify the person's employer in writing of the conviction not later than the seventh day after the date of conviction.

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

(1) the driver's full name;

(2) the driver's license or permit number;

(3) the date of conviction;

(4) the nature of the violation;

(5) a notation of whether the violation was committed in a commercial motor vehicle;

(6) the location where the offense was committed; and

(7) the driver's signature.

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

(a) If a person holds a driver's license, commercial driver's license, or commercial learner's permit 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, the department shall 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. Subsection (a), Section 522.071, Transportation Code, as amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

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

(1) 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;

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

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

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

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

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

(b) 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. Subsections (a), (b), (e), and (g), Section 522.081, Transportation Code, are amended to read as follows:

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

(1) 60 days if convicted of:

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

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

(2) 120 days if convicted of:

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

(B) two violations of a law that regulates the

operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) Except as provided by this subsection, this [~~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~~]. A person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for one year:

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

(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, 49.045, or 49.07, Penal Code;

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

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

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

(E) driving a commercial motor vehicle while the person's commercial driver's license or commercial learner's permit 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;

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

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

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

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

(e) A person may not be issued a commercial driver's license or a commercial learner's permit and is disqualified 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 commercial driver's license 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. The period of prohibition under this subsection is equal to the appropriate period of disqualification required by Subsections (a)-(d).

(g) A person who holds a commercial driver's license or commercial learner's permit 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. The disqualification is for the disqualification period imposed under that section and shall be noted on the person's driving record.

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

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

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

(d) A disqualification imposed under Section 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) takes effect on the

10th day after the date the department issues the order of disqualification.

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

Sec. 522.089. EFFECT OF SUSPENSION, REVOCATION, CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW. (a) 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) If the department disqualifies a person under this chapter [~~disqualifies a person~~] for a longer period than the other law, the person is disqualified for the longer period.

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

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

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

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

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

(a) On receipt of a report under Section 522.104, the department shall 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. Subdivision (10), Section 524.001, Transportation Code, is amended to read as follows:

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

(4) 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 commercial [~~driver~~] learner's permit;

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

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

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

(8) the date of conviction; and

(9) the amount of the fine or forfeiture.

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

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

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

(2) "Text message" means a message generated by manually entering alphanumeric characters into an electronic device. The term includes a short message service, e-mail, instant message, a command or request to access an Internet website, a voice communication using a wireless communication device that requires pressing more than one button to initiate or terminate, or any other form of electronic text for present or future communication.

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

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

(d) This section does not apply to:

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

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

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

(C) 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

(D) 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. Subsection (a), Article 62.060, Code of Criminal Procedure, is amended to read as follows:

(a) A person subject to registration under this chapter shall apply to the department in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272, Transportation Code, an original or renewal personal identification certificate under Section 521.103, Transportation Code, or an original or renewal commercial driver's license or commercial [~~driver~~] learner's permit under Section 522.033, Transportation Code, not later than the 30th day after the date:

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

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

SECTION 40. Subsection (f), Section 522.029, Transportation Code, as added by Chapter 1156 (Senate Bill No. 99), Acts of the 75th Legislature, Regular Session, 1997, is repealed.

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

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

(c) The changes in law made by this Act to Sections 522.029,

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. Except as otherwise provided by this Act, this Act takes effect January 1, 2014.

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