

By: White

H.B. No. 153

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the public safety director of the
3 Department of Public Safety to adopt rules requiring the use and
4 installation of intrastate commercial motor vehicle electronic
5 logging devices.

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

7 SECTION 1. Section 644.053(a), Transportation Code, is
8 amended to read as follows:

9 (a) A rule adopted under this chapter may not:

10 (1) prevent an intrastate operator from operating a
11 vehicle up to 12 hours following eight consecutive hours off;

12 (2) require a person to meet the medical standards
13 provided in the federal motor carrier safety regulations if the
14 person:

15 (A) was regularly employed in this state as a
16 commercial motor vehicle operator in intrastate commerce before
17 August 28, 1989; and

18 (B) is not transporting property that requires a
19 hazardous material placard;

20 (3) require a person who returns to the work-reporting
21 location, is released from work within 12 consecutive hours, has at
22 least eight consecutive hours off between each 12-hour period the
23 person is on duty, and operates within a 150-air-mile radius of the
24 normal work-reporting location to maintain a driver's record of

1 duty status as described by 49 C.F.R. Section 395.8, provided that
2 the person maintains time records in compliance with 49 C.F.R.
3 Section 395.1(e)(5) and documents that verify the truth and
4 accuracy of the time records such as:

5 (A) business records maintained by the owner that
6 provide the date, time, and location of the delivery of a product or
7 service; or

8 (B) documents required to be maintained by law,
9 including delivery tickets or sales invoices, that provide the date
10 of delivery and the quantity of merchandise delivered; ~~or~~

11 (4) impose during a planting or harvesting season
12 maximum driving and on-duty times on an operator of a vehicle
13 transporting an agricultural commodity in intrastate commerce for
14 agricultural purposes from the source of the commodity to the first
15 place of processing or storage or the distribution point for the
16 commodity, if the place is located within 150 air miles of the
17 source; or

18 (5) require an electronic logging device:

19 (A) to record an intrastate operator's duty
20 status; or

21 (B) to be installed in a commercial motor vehicle
22 used only for intrastate commerce.

23 SECTION 2. This Act takes effect September 1, 2019.