

BILL ANALYSIS

H.B. 3646
By: Guillen
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The definition of commercial motor vehicle used in the Transportation Code was originally used for establishing which vehicles could be used for conducting a commercial driver's license (CDL) skills test. Therefore, the definition only included the weight requirements. Due to the frequency with which this definition is used by the commercial vehicle industry and law enforcement, it is appropriate to align the state definition with the federal definition. Additionally, state law needs to be amended to ensure consistency with federal regulations.

H.B. 3646 seeks to revise certain regulations regarding CDLs to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 4 of this bill.

ANALYSIS

H.B. 3646 amends the Transportation Code to remove the authorization for the Department of Public Safety (DPS) to waive the visual acuity standards for a commercial driver's license (CDL) for either a CDL applicant or holder who drives a commercial motor vehicle only in Texas. The bill authorizes DPS instead by rule to use the alternative visual acuity standard provided for under federal regulations establishing drivers' physical qualifications for such an intrastate driver if the individual does not meet the visual acuity standard for a CDL prescribed by those regulations. For purposes of state law governing CDLs, the bill removes the statutorily prescribed definition of a "commercial motor vehicle" and assigns that term instead the definition provided under federal regulations establishing CDL licensing standards. The bill applies only to an application for a CDL submitted on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.