

BILL ANALYSIS

Senate Research Center

S.B. 1372
By: Carona
Transportation & Homeland Security
4/2/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no time limit on when the Department of Public Safety (DPS) is required to respond to a request made by a state in relation to the 10 year history check for a commercial driver's license holder. Current law provides that suspension of a license takes effect 40 days after the person is considered to have received notice of suspension, but it does not provide for disqualification of a license. The law does not include a plea of guilty or nolo contendere in the definition of "conviction." Persons transporting cotton are exempt from getting a commercial driver's license.

As proposed, S.B. 1372 requires DPS to respond to a driver record check requests made by the state within 30 days, and the bill provides that disqualification of a license takes effect 40 days after the person is considered to have received notice of suspension. This bill also redefines "conviction" to include a plea of guilty or nolo contendere and provides that certain farmers and certain commercial motor vehicles when used for military purposes by military personnel are exempt from the requirement for getting a commercial driver's license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.049, Transportation Code, by adding Subsection (d), as follows:

(d) Requires the Department of Public Safety to respond within 30 days to any driver record request made by a state under 49 C.F.R. 384.206.

SECTION 2. Amends Section 521.297, Transportation Code, as follows:

Sec. 521.297. New heading: SUSPENSION, REVOCATION, OR DISQUALIFICATION EFFECTIVE DATE.

(a) Creates this subsection from existing text.

(b) Requires a license disqualification under Section 522.081(a) (Disqualification) to take effect on the 40th day after the date the person is considered to have received the notice of the disqualification under Section 521.295(b) (relating to notice of suspension or revocation of a person's license), unless there is a disqualification already in effect, then the disqualification period will run consecutively.

SECTION 3. Amends Section 522.003, Transportation Code, to redefine "conviction" and "hazardous materials."

SECTION 4. Amends Section 522.004, Transportation Code, by amending Subsection (a), as follows:

(a) Provides that this chapter does not apply to a vehicle that is controlled and operated by a farmer and used to transport agricultural products, seed cotton modules, cotton burrs, farm machinery, or farm supplies to or from a farm, used within 150 miles of the person's farm, and not used in the operations of a common or contract motor carrier. Provides that this chapter does not apply to a commercial motor vehicle or a military vehicle, when operated for military purposes by military personnel, including certain listed military personnel. Deletes existing Subdivision (6) relating to a vehicle used exclusively to transport seed cotton modules or cotton burrs.

SECTION 5. Amends Section 522.023, Transportation Code, by amending the heading and adding Subsections (h) and (i), as follows:

Sec. 522.023. New heading: GENERAL APPLICATION REQUIREMENTS FOR A COMMERCIAL DRIVER [sic] LICENSE.

(h) Provides that on payment of the required fee as provided in Section 522.029 (Fees), an applicant is entitled to three examinations of each element under Section 522.022 (License Requirements) for each application to qualify for a commercial driver [sic] license. Requires the applicant to submit a new application accompanied by the required fee, if the applicant has not qualified after the third examination.

(i) Prohibits the Texas Department of Transportation (TxDOT) from issuing a commercial driver [sic] license to a person who has not passed each examination required under this chapter.

SECTION 6. Amends Subchapter D, Chapter 522, Transportation Code, by adding Section 522.0425, as follows:

Sec. 522.0425. HAZARDOUS MATERIALS ENDORSEMENT; CANCELLATION.

(a) Requires TxDOT to cancel or deny the issuance of a hazardous materials endorsement of a commercial driver [sic] license within 15 days of notification by federal agency authorized to make an initial determination of threat assessment as provided by 49 C.F.R. 1572.13(a).

(b) Requires TxDOT to immediately cancel or deny the issuance of a hazardous materials endorsement of a commercial driver [sic] license upon notification by a federal agency authorized to make a final determination of threat assessment as provided by 49 C.F.R. 1572.13(a).

(c) Requires that a cancellation or denial of a hazardous materials endorsement under this subsection be reported within 15 days to the commercial driver [sic] license information system.

SECTION 7. Amends Subchapter E, Chapter 522, Transportation Code, by adding Section 522.054, as follows:

Sec. 522.054. DENIAL OF RENEWAL OF COMMERCIAL DRIVER [sic] LICENSE.

(a) Authorizes TxDOT, in the manner ordered by a court in a matter involving the violation of a state law or local ordinance relating to motor vehicle traffic control, on receiving the necessary information from another state, to deny renewal of the person's Texas commercial driver [sic] license for failure to appear based on a complaint or citation or failure to pay or satisfy a judgment ordering the payment of a fine and cost.

(b) Sets forth specific requirements for the information, which may be transmitted through the commercial driver [sic] license information system.

SECTION 8. Amends Subchapter E, Chapter 522, Transportation Code, by adding Section 522.055, as follows:

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. (a) Provides that, on notification by a state that there is no further cause to deny renewal of a person's driver [sic] license based on the person's previous failure to appear or failure to pay as reported by another state, TxDOT will reinstate the person's license.

SECTION 9. Amends Section 522.071, Transportation Code, by amending Subsection (a), to provide that a person commits an offense if the person drives a commercial motor vehicle on a highway during a period in which the person, the motor vehicle being operated, or the person's employer is subject to an out-of-service order, in addition to other specified situations.

SECTION 10. Amends Section 522.072, Transportation Code, by amending Subsection (a), to make conforming and nonsubstantive changes.

SECTION 11. Amends Section 522.081, Transportation Code, by adding Subsection (h), to require a disqualification under Subsection (g) to run concurrent to any imminent hazard disqualification currently in effect.

SECTION 12. Amends Section 522.087, Transportation Code, by adding Subsection (c), to require any disqualification imposed under Section 522.081(a) to run consecutively to any other disqualification currently in effect.

SECTION 13. Amends Subchapter F, Chapter 545, Transportation Code, by adding Section 545.2545, as follows:

Sec. 545.2545. (No title for this section in bill as drafted.) (a) Prohibits an operator from driving on or crossing a railroad grade crossing without sufficient undercarriage clearance.

(b) Provides that an offense under this section is punishable by a fine of not less than \$50 or more than \$200.

SECTION 14. Effective date: January 1, 2008.