

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1173
By: Nichols
Transportation
4/2/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Public Safety of the State of Texas (DPS) has the authority to issue commercial driver learner's permits (CLPs) and commercial driver's licenses (CDLs). However, Texas must ensure continued compliance with federal regulations in order to maintain this authority. Interstate commerce, in particular, will be adversely affected if DPS is prevented from issuing CLPs and CDLs to those drivers who cross state lines transporting goods to consumers and businesses throughout the country.

Texas risks the loss of several million dollars in federal highway funds if it does not comply with Federal Motor Carrier Safety Administration (FMCSA) rules and regulations. Numerous federal regulations have recently been enacted, so Texas needs to make several statutory changes to maintain federal compliance. S.B. 1173 amends Chapter 522 (Commercial Driver's License) of the Transportation Code, the Texas Commercial Driver's License Act, to make the conforming changes necessary to maintain federal compliance. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1173 amends current law relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles, creates a criminal offense, amends provisions subject to a criminal penalty, and authorizes fees.

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 522.003, Transportation Code, by amending Subdivisions (4), (12), (22), (23), and (25) and adding Subdivisions (22-a) and (23-a), as follows:

(4) Defines "commercial learner's permit," rather than "commercial driver learner's permit."

(12) Redefines "driver's license."

(22) Defines "non-domiciled commercial driver's license," rather than "nonresident commercial driver's license."

(22-a) Defines "non-domiciled commercial learner's permit."

(23) Redefines "out-of-service order."

(23-a) Defines "person."

(25) Redefines "serious traffic violation" and makes a nonsubstantive change.

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

(a) Prohibits a person from driving a commercial motor vehicle unless:

(1) Makes no change to this subdivision;

(2) the person:

(A) has in the person's immediate possession a commercial learner's permit and driver's license issued by the Department of Public Safety of the State of Texas (DPS), rather than has in the person's immediate possession a commercial driver learner's permit issued by DPS; and

(B) is accompanied by the holder of a commercial driver's license issued by DPS 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, rather than occupies a seat beside 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) Makes no change to this subdivision.

(e) Provides that 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) Authorizes the court to 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. Amends Section 522.013, Transportation Code, as follows:

Sec. 522.013. New heading: **NON-DOMICILED LICENSE OR PERMIT.** (a) Authorizes DPS to issue a non-domiciled commercial driver's license, rather than a nonresident commercial driver's license, or commercial learner's permit to a person domiciled in, rather than a resident of, a foreign jurisdiction if the United States secretary of transportation 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) Requires an applicant for a non-domiciled commercial driver's license to surrender any non-domiciled commercial driver's license issued by another state. Changes a reference to nonresident to non-domiciled.

(c) Requires DPS to 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 driver's license. Requires DPS to 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 before issuing a non-domiciled commercial learner's permit. Makes a conforming change.

(d) Requires "non-domiciled," rather than "nonresident," to appear on the face of a license or permit issued under this section.

(e) Authorizes DPS to issue a temporary non-domiciled, rather than 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 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, rather than a resident, not meet the testing and licensing standards established by 49 C.F.R. Part 383. Provides that 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 any Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1), rather than Section 522.021(a-1)(2)(C); and

(2) may not be renewed.

Deletes designation of Paragraph (C) and existing text of Paragraph (B) providing that a license issued under this subsection expires on the expiration date of the visa presented under Section 522.021(a-1)(2)(B), if that date is earlier than the other dates in this subsection. Makes conforming changes.

(f) Makes a conforming change.

SECTION 4. Amends Section 522.014, Transportation Code, as follows:

Sec. 522.014. PERMIT. (a) Creates this subsection from existing text. Authorizes DPS to issue a commercial learner's permit, rather than a commercial driver learner's permit, to an individual who:

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

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

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

(c) Provides that 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) Prohibits a commercial learner's permit holder from taking a commercial driver's license skills test before the 15th day after the date of the issuance of the permit.

SECTION 5. Amends Section 522.015, Transportation Code, as follows:

Sec. 522.015. LICENSE OR PERMIT ISSUED BY OTHER JURISDICTION. Authorizes a person to drive a commercial motor vehicle in this state if the person has a commercial driver's license or a commercial learner's permit issued in accordance with

certain standards set forth, and if the person has a permit, the person also has a driver's license issued by the same jurisdiction that issued the permit. Changes a reference to commercial driver learner's permit to a commercial learner's permit. Makes a nonsubstantive change.

SECTION 6. Amends Sections 522.021(a), (a-1), and (d), Transportation Code, as follows:

(a) Changes a reference to commercial driver learner's permit to commercial learner's permit, changes a reference to nonresident to non-domiciled, and changes a reference to resident to domiciled.

(a-1) Requires the applicant, if the application is for a non-domiciled commercial driver's license and the applicant is domiciled in a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, to present:

(1) a social security card issued to the applicant;

(2) an unexpired foreign passport issued to the applicant;

(3) either:

(A) a Form I-94 Arrival/Departure record or a successor document; or

(B) an unexpired employment authorization document, and

(4) documentation demonstrating proof of Texas residence as provided by Section 522.0225.

Deletes existing text requiring the applicant to present a passport issued to the applicant by the country of which the applicant is a resident, a Temporary Worker visa, and a Form I-94 Arrival/Departure record or a successor document if the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383. Makes nonsubstantive changes.

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

SECTION 7. Amends Section 522.022, Transportation Code, to change a reference to nonresident license to non-domiciled license.

SECTION 8. Amends Section 522.023, Transportation Code, by adding Subsection (j), to authorize DPS to administer a skills test to a person who holds a commercial learner's permit issued by another state or jurisdiction.

SECTION 9. Amends Section 522.025, Transportation Code, as follows:

Sec. 522.025. LIMITATIONS ON ISSUANCE OF LICENSE OR PERMIT. (a) Changes a reference to commercial driver learner's permit to a commercial learner's permit.

(b) Prohibits DPS from issuing a commercial driver's license to a person who has a driver's license, commercial driver's license, or commercial learner's permit issued by another state unless the person surrenders the license or permit. Requires DPS to notify the issuing state of the surrendered license or permit, rather than requires DPS to return a surrendered license or permit to the issuing

state for cancellation. Changes a reference to commercial driver learner's permit to a commercial learner's permit.

SECTION 10. Amends Section 522.027, Transportation Code, to change a reference to commercial driver learner's permit to a commercial learner's permit.

SECTION 11. Amends Section 522.028, Transportation Code, to require DPS to check the applicant's driving record as required by 49 C.F.R. Section 383.73 before issuing a commercial driver's license or commercial learner's permit.

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

(a) Deletes a reference to commercial driver learner's permit.

(b) Deletes references to commercial driver learner's permit.

(c) Changes a reference to commercial driver learner's permit to a commercial learner's permit.

(h) Deletes a reference to commercial driver learner's permit.

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

(j) Deletes a reference to commercial driver learner's permit.

(k) Provides that the fee for a non-domiciled commercial driver's license or a non-domiciled commercial learner's permit is \$120. Provides that the fee for a temporary non-domiciled commercial driver's license is \$20. Changes references to nonresident to non-domiciled.

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

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

(f) Provides that the fee for the driver's license is increased by \$8 if a commercial driver's license includes an authorization to operate a motorcycle or moped, rather than provides that the fee for the driver's license or permit is increased by \$8 if a commercial driver's license or commercial driver learner's permit includes an authorization to operate a motorcycle or moped.

SECTION 14. Amends Section 522.030(a), Transportation Code, as follows:

(a) Requires that a commercial driver's license or commercial learner's permit:

(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 address, rather than mailing address, of the person to whom it is issued;

(B) the person's photograph, rather than the person's color photograph;

(C)-(I) Makes no change to these paragraphs.

SECTION 15. Amends Sections 522.032(a) and (b), Transportation Code, to change references to commercial driver learner's permit to commercial learner's permit.

SECTION 16. Amends Section 522.033, Transportation Code, as follows:

Sec. 522.033. COMMERCIAL DRIVER'S LICENSE ISSUED TO CERTAIN SEX OFFENDERS. (a) Authorizes DPS to issue an original or renewal commercial driver's license or commercial 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 (Sex Offender Registration Program), Code of Criminal Procedure, only if the person is otherwise eligible for the commercial driver's license or commercial 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:

(A) \$20 for a commercial driver's license; or

(B) \$24 for a commercial learner's permit.

Changes references to commercial driver learner's permit to a commercial learner's permit.

(b) Provides that, notwithstanding Sections 522.013 and 522.051, a commercial driver's license issued under this section, including a renewal, duplicate, or corrected license, expires 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.

Deletes existing text providing that a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires, 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, or if the applicant is not described by Subdivision (1), on the earlier of the expiration date of the applicant's authorized stay in the United States, or 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. Amends Sections 522.034(a) and (b), Transportation Code, as follows:

(a) and (b) Deletes references to commercial driver learner's permit.

SECTION 18. Amends Sections 522.041(a) and (e), Transportation Code, as follows:

(a) Authorizes DPS to issue a Class A, Class B, or Class C commercial driver's license or commercial learner's permit.

(e) Authorizes the holder of a commercial driver's license or commercial learner's permit to drive any vehicle in the class for which the license or permit is issued and lesser classes of vehicles except a motorcycle or moped. Authorizes the holder to 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. Amends Section 522.042, Transportation Code, by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f), as follows:

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

(c) Provides that 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) Provides that 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) Creates this subsection from existing text. Prohibits the holder of a commercial driver's license or commercial learner's permit from driving a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit.

(f) Redesignates existing Subsection (c) as Subsection (f). Provides that a person commits an offense if the person violates Subsection (c), (d), or (e), rather than violates Subsection (b). Provides that an offense under this section is a Class C misdemeanor.

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

(a) Deletes a reference to commercial driver learner's permit.

(b) Deletes references to commercial driver learner's permit.

(c) Deletes references to commercial driver learner's permit.

(d) Deletes a reference to commercial driver learner's permit.

(f) Provides that, except as provided by Section 522.013, a non-domiciled commercial driver's license other than a temporary non-domiciled commercial driver's license under Section 522.013(e) expires on:

(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; 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.

Deletes existing text providing that, except as provided by Section 522.013, a nonresident commercial driver's license other than a temporary nonresident commercial driver's license under Section 522.013(e) expires on the earlier of the expiration date of the visa presented under Section 522.021(a-1)(2)(B), or the expiration date of the Form I-94 Arrival/Departure record, or a successor document, presented under Section 522.021(a-1)(2)(C).

(h) Provides that 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. Amends Section 522.052(e), Transportation Code, as follows:

(e) Authorizes a commercial learner's permit to be renewed once for an additional 180 days without requiring the applicant to retake the general and endorsement knowledge tests. Deletes existing text prohibiting a commercial driver learner's permit from being renewed.

SECTION 22. Amends Section 522.054(a), Transportation Code, to delete a reference to commercial driver learner's permit.

SECTION 23. Amends Section 522.0541, Transportation Code, as follows:

Sec. 522.0541. New heading: DENIAL OF RENEWAL OF COMMERCIAL DRIVER LICENSE OR LEARNER PERMIT. (a) Authorizes DPS, 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, to deny renewal of the commercial driver's license or commercial learner's permit issued to a person by DPS for the person's failure to answer a citation or to pay fines, penalties, or costs related to the original violation. Makes a nonsubstantive change.

(b) Makes no change to this subsection.

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

SECTION 24. Amends Section 522.055, Transportation Code, as follows:

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. Requires DPS, 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 holder's, rather than 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, to renew the person's commercial driver's license or commercial learner's permit.

SECTION 25. Amends Sections 522.061(a), (b), and (c), Transportation Code, as follows:

(a) Requires 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 to notify DPS in the manner specified by DPS not later than the seventh day after the date of conviction.

(b) Requires 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, to notify the

person's employer in writing of the conviction not later than the seventh day after the date of conviction.

(c) Requires that a notification to DPS or an employer be in writing and contain certain information, including the driver's license or permit number.

SECTION 26. Amends Section 522.062(a), Transportation Code, to require DPS, 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, to 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. Reenacts Section 522.071(a), Transportation Code, as amended by Chapters 424 (S.B. 1372) and 499 (S.B. 333), Acts of the 80th Legislature, Regular Session, 2007, and amends it, as follows:

(a) Provides that 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. Amends Section 522.071(b), Transportation Code, to provide that 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. Amends Sections 522.081(a), (b), (e), and (g), Transportation Code, as follows:

(a) Provides that this subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle. Provides that a person who holds a commercial driver's license or commercial learner's permit is disqualified from driving a commercial motor vehicle for a certain number of days as set forth.

(b) Provides that, except as provided by this subsection, this subsection applies to a violation committed while operating any type of motor vehicle, including a commercial motor vehicle. Provides that 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 on first conviction of driving a motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), or 49.07 (Intoxication Assault), Penal Code, or 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. Makes nonsubstantive changes.

(e) Prohibits a person from being issued a commercial driver's license or a commercial learner's permit and provides that the person 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. Makes no further change to this subsection.

(g) Provides that 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. Makes no further change to this subsection.

SECTION 30. Amends Section 522.084, Transportation Code, to require DPS, after disqualifying a person who has a domicile in another state or in a foreign jurisdiction, to 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 learner's permit, rather than commercial driver learner's permit.

SECTION 31. Amends Section 522.087, Transportation Code, by adding Subsection (d) to provide that a disqualification imposed under Section 522.081(a)(1)(B) or 522.081(b)(2) or (d)(2) (providing that a person is disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance) takes effect on the 10th day after the date DPS issues the order of disqualification.

SECTION 32. Amends Section 522.089, Transportation Code, as follows:

Sec. 522.089. New heading: EFFECT OF SUSPENSION, REVOCATION, CANCELLATION, OR DENIAL OF LICENSE OR PERMIT UNDER OTHER LAW. (a) Provides that a suspension, revocation, cancellation, or denial of a driver's license, permit, or privilege under Chapter 521 (Driver's Licenses and Certificates) or another law of this state disqualifies the person under this chapter.

(b) Provides that if DPS disqualifies a person under this chapter for a longer period than the other law, rather than if this chapter disqualifies a person, the person is disqualified for the longer period.

SECTION 33. Amends Subchapter H, Chapter 522, Transportation Code, effective January 30, 2016, by adding Section 522.093, as follows:

Sec. 522.093. SELF-CERTIFICATION OF MEDICAL STATUS. Requires DPS to 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 DPS a self-certification of operating status; or

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

SECTION 34. Amends Section 522.105(a), Transportation Code, to require DPS, on receipt of a report under Section 522.104 (Submission of Report to Department), to disqualify a person from driving a commercial motor vehicle under Section 522.081 (Disqualification) beginning on the 45th day after the date the report is received unless a hearing is granted.

SECTION 35. Amends Section 524.001(10), Transportation Code, to redefine "driver's license."

SECTION 36. Amends Section 543.007, Transportation Code, to change a reference to commercial driver learner's permit to commercial learner's permit.

SECTION 37. Amends Section 543.202(b), Transportation Code, to change a reference to commercial driver learner's permit to commercial learner's permit.

SECTION 38. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4255, as follows:

Sec. 545.4255. CERTAIN COMMUNICATIONS BY OPERATOR OF COMMERCIAL MOTOR VEHICLE PROHIBITED; OFFENSE. (a) Defines "driving" and "text message" in this section.

(b) Prohibits the operator of a commercial motor vehicle from generating, sending, or reading a text message while driving the vehicle.

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

(d) Provides that 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. Amends Article 62.060(a), Code of Criminal Procedure, to change a reference to commercial driver learner's permit to commercial learner's permit.

SECTION 40. Repealer: Section 522.029(f) (providing that the fee for renewal of a commercial driver's license or a commercial driver learner's permit that includes authorization to operate a motorcycle is \$45), Transportation Code, as added by Chapter 1156 (S.B. 99), Acts of the 75th Legislature, Regular Session, 1997.

SECTION 41. (a) Makes application of the changes in law made by this Act to Sections 522.011, 522.042, and 522.071, Transportation Code, prospective.

(b) Makes application of the change in law made by this Act to Section 522.021, Transportation Code, prospective, in regard to an application for a license.

(c) Makes application of the changes in law made by this Act to Sections 522.029, 522.033, and 522.051, Transportation Code, prospective, in regard to a license or permit issued or renewed.

SECTION 42. Effective date: except as otherwise provided by this Act, January 1, 2016.