

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2386
By: Kacal et al. (Kolkhorst)
Transportation
5/8/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that inconsistencies exist between state and federal law governing exemptions of certain vehicles from commercial driver's license requirements. H.B. 2386 seeks to remedy these inconsistencies by exempting from those requirements covered farm vehicles and certain other vehicles.

H.B. 2386 amends the Transportation Code to exempt from statutory provisions governing commercial driver's licenses a covered farm vehicle as defined by federal regulations and a vehicle that is operated intrastate and that is driven by an individual not for compensation and not in the furtherance of a commercial enterprise.

Federal statute states that vehicles weighing more than 26,001 pounds may require the driver to have a commercial driver's license (CDL).

However, Federal Motor Carrier Safety Regulations provide certain exemptions from CDL regulations that are available to states. H.B. 2386 includes exemptions for a covered farm vehicle which is defined by federal statute.

H.B. 2386 also provides a broader exemption than the original version of the bill for vehicles that are operated intrastate by an individual not for compensation and not in the furtherance of a commercial enterprise.

H.B. 2386 will help the agricultural community and will allow Texans to transport horses and other animals to shows and events without requiring a CDL. It will also allow them to transport boats or other vehicles without a CDL, so long as they are transported within Texas, not for compensation, and not in the furtherance of a commercial enterprise. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2386 amends current law relating to the exclusion of the operation of certain vehicles from commercial driver's license requirements.

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 522.004(a), Transportation Code, as follows:

(a) Provides that this chapter (Commercial Driver's Licenses) does not apply to:

(1)–(4) makes no changes to these subdivisions;

(5)–(6) makes nonsubstantive changes to these subdivisions;

(7) a vehicle that is operated intrastate and driven by an individual not for compensation and not in the furtherance of a commercial enterprise; or

(8) a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

SECTION 2. Requires the comptroller of public accounts of the State of Texas, as soon as practicable after the effective date of this Act, to:

(1) determine whether any transfer of money for deposit to the Texas mobility fund is necessary to comply with Section 49-k (Texas Mobility Fund), Article III, Texas Constitution; and

(2) transfer any amount determined to be necessary under Subdivision (1) to the Texas mobility fund from the general revenue fund.

SECTION 3. Effective date: upon passage or September 1, 2019.