

SUBJECT: Complying with federal requirements for commercial driver's licenses

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hill, West

0 nays

2 absent — Flores, Hamric

SENATE VOTE: On final passage, April 21 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: The Federal Motor Carrier Safety Administration (FMCSA) was established as a separate administration within the U.S. Department of Transportation in 2000, pursuant to the Motor Carrier Safety Improvement Act (MCSIA) of 1999. The primary mission of FMCSA is to reduce crashes, injuries, and fatalities involving large trucks and buses. In accordance with this mission, the administration develops and enforces data-driven regulations that balance motor carrier safety with industry efficiency. MCSIA requires the agency to withhold from states that do not comply with the regulations 5 percent of federal highway funds in the first year of noncompliance and 10 percent for each subsequent year.

Regulations brought about by MCSIA include those governing situations constituting imminent hazards to safety as well as regulations preventing a holder of a commercial driver's license from taking defensive driving to dismiss a violation. Texas implemented many statutory changes conforming to MCSIA through HB 3588 by Krusee in the 78th Legislature in 2003.

DIGEST: SB 1257 would prohibit a person who held a commercial driver's license from operating a commercial motor vehicle for a specified period if the person's driving was determined to constitute an imminent hazard according to regulations implemented through MCSIA. The disqualification would be noted on the person's driving record. A person who committed an offense while operating under a commercial

driver's license could not have the complaint dismissed through the completion of alternative requirements imposed by a judge including completion of a driver safety course.

DPS would not be required to suspend a driver's license under regulations governing general driver's licenses if a person had violated a restriction or an endorsement imposed on the use of the license.

Personnel serving in the United States Coast Guard operating a military vehicle would not be subject to the Texas Commercial Driver's License Act.

The bill would take effect September 1, 2005, and apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

SB 1257 would bring state law into compliance with the Federal Motor Carrier Safety Improvement Act. Texas has until September of this year to come into compliance with these regulations or it stands to lose 5 percent of federal highway funds. This could cost the state nearly \$100 million in the first year of noncompliance and nearly \$200 million per year subsequently, according to the fiscal note. Because the regulations are all in furtherance of highway safety and the state would stand to lose substantial funding, there is no reason for the state not to comply.

SB 1257 specifically would eliminate contradictory language in the Transportation Code related to suspension of a driver's license and would clarify that only a commercial driver's license would be suspended for violation of a restriction or an endorsement on the license. It would clarify that U.S. Coast Guard personnel operating military vehicles would not be subject to general provisions related to commercial driver's licenses. It would close a loophole that exists for a holder of commercial driver's license to take a defensive driving class to dismiss an offense. Finally, it would disqualify an individual from operating a commercial vehicle if that person was deemed to pose an immediate hazard to public safety.

**OPPONENTS
SAY:**

No apparent opposition.