

BILL ANALYSIS

Senate Research Center
77R8853 JD-F

C.S.S.B. 890
By: Ogden
Criminal Justice
4/2/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The federal Motor Vehicle Safety Act of 1999 requires that states implement changes to the commercial driver licensing program (program) in order to continue issuing commercial drivers licenses (CDL). C.S.S.B. 890 addresses the required changes to the program. The aspects of this bill include a school bus endorsement, an increase in serious traffic violations, an increase in disqualifying actions, and the elimination of a driver safety course for CDL holders.

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 Article 45.0511(a), Code of Criminal Procedure, to provide that, except as provided by this subsection, this article applies to an alleged offense involving the operation of a motor vehicle and supplements Article 45.051. Provides that this article does not apply to certain types of offenses. Makes nonsubstantive changes.

SECTION 2. Amends Chapter 45B, Code of Criminal Procedure, by adding Article 45.0512, as follows:

Art. 45.0512. NONAPPLICABILITY OF ARTICLE 45.051. Defines “commercial driver’s license” and “commercial motor vehicle.” Provides that Article 45.051 does not apply to certain types of offenses.

SECTION 3. Amends Section 521.242, Transportation Code, to prohibit a court from granting an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies. Makes a nonsubstantive change.

SECTION 4. Amends Sections 522.003(12), (23), and (25), Transportation Code, to redefine “driver’s license,” “out-of-service order,” and “serious traffic violation.”

SECTION 5. Amends Section 522.011, Transportation Code, to provide that it is a defense to prosecution under Subsection (a) (1) (A) if the person charged produces in court a commercial driver’s license that meets certain requirements.

SECTION 6. Amends Sections 522.012(b)-(d), Transportation Code, to provide that, in granting a waiver under this section, the Texas Department of Transportation (department) is subject to any condition or requirement established for the waiver by the United States secretary of transportation or the federal Motor Carrier Safety Administration, rather than highway administration. Makes conforming changes.

SECTION 7. Amends Section 522.021(a), Transportation Code, to require an application for a

commercial driver's license or commercial driver learner's permit to include the applicant's social security number, unless the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction.

SECTION 8. Amends Section 522.042(a), Transportation Code, to authorize the department to issue a commercial driver's license with endorsements authorizing the driving of a school bus, as defined by Section 541.201.

SECTION 9. Amends Section 522.062(a), Transportation Code, to require the department, if a person holds a commercial driver's license 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, rather than licensing, state of that conviction, in the time and manner required by 49 U.S.C. Section 31311. Deletes text regarding the date the department receives a report of conviction. Deletes text regarding a domicile. Makes nonsubstantive changes.

SECTION 10. Amends the heading to Section 522.072, Transportation Code, to read as follows:

Sec. 522.072. EMPLOYER RESPONSIBILITIES.

SECTION 11. Amends Section 522.072(b), Transportation Code, to prohibit an employer from knowingly requiring a driver to operate a commercial motor vehicle in violation of a federal, state, or local law that regulates the operation of a motor vehicle at a railroad grade crossing. Authorizes an employer who violates this section, rather than Subsection (a) or an out of service order, to be penalized or disqualified under 49 C.F.R. Part 383.

SECTION 12. Amends Sections 522.081(a) and (b), Transportation Code, to provide that this subsection applies only to a violation committed while operating a commercial motor vehicle. Provides that a person is disqualified from driving a commercial motor vehicle for a certain number of days for committing certain violations of law. Provides that a person is disqualified from driving a commercial motor vehicle for one year on first conviction of causing the death of another person through the negligent or criminal operation of a commercial motor vehicle or driving a commercial motor vehicle while the person's commercial driver's license 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 a nonsubstantive change.

SECTION 13. Amends Sections 522.087(a) and (b), Transportation Code, to provide that a person is automatically disqualified under certain subsections within Section 522.081. Prohibits an appeal from being taken from the disqualification. Provides that disqualifying a person under certain subsections within Section 522.081, other than a certain subdivision, is subject to the notice and hearing procedures of Section 521.295-521.303. Provides that an appeal of the disqualification is subject to Section 521.308.

SECTION 14. Amends Section 522.102, Transportation Code, to provide that this section and Section 522.103 apply only to a person who is stopped or detained while driving a commercial motor vehicle.

SECTION 15. Amends Section 522.103, Transportation Code, to provide that a peace officer requesting a person to submit a specimen under Section 522.102 is not required to comply with Section 724.015.

SECTION 16. Repealer: Section 522.003(20)(Definitions), Transportation Code.

SECTION 17. Effective date: September 1, 2001.

(b)-(h) Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 10. Adds a new SECTION 10 and amends the heading to a section in the Transportation Code.

SECTION 11. Adds a new SECTION 11 that prohibits an employer from requiring a driver to violate laws regulating railroad grade crossings.

SECTION 12. Renumbers proposed SECTION 10 as SECTION 12 and makes nonsubstantive changes.

Renumbers proposed SECTIONS 11 - 15 as SECTIONS 13 - 17.

BILL ANALYSIS

Senate Research Center
77R8853 JD-F

C.S.S.B. 890
By: Ogden
Criminal Justice
4/2/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

The federal Motor Vehicle Safety Act of 1999 requires that states implement changes to the commercial driver licensing program (program) in order to continue issuing commercial drivers licenses (CDL). C.S.S.B. 890 addresses the required changes to the program. The aspects of this bill include a school bus endorsement, an increase in serious traffic violations, an increase in disqualifying actions, and the elimination of a driver safety course for CDL holders.

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 Article 45.0511(a), Code of Criminal Procedure, to provide that, except as provided by this subsection, this article applies to an alleged offense involving the operation of a motor vehicle and supplements Article 45.051. Provides that this article does not apply to certain types of offenses. Makes nonsubstantive changes.

SECTION 2. Amends Chapter 45B, Code of Criminal Procedure, by adding Article 45.0512, as follows:

Art. 45.0512. NONAPPLICABILITY OF ARTICLE 45.051. Defines “commercial driver’s license” and “commercial motor vehicle.” Provides that Article 45.051 does not apply to certain types of offenses.

SECTION 3. Amends Section 521.242, Transportation Code, to prohibit a court from granting an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies. Makes a nonsubstantive change.

SECTION 4. Amends Sections 522.003(12), (23), and (25), Transportation Code, to redefine “driver’s license,” “out-of-service order,” and “serious traffic violation.”

SECTION 5. Amends Section 522.011, Transportation Code, to provide that it is a defense to prosecution under Subsection (a) (1) (A) if the person charged produces in court a commercial driver’s license that meets certain requirements.

SECTION 6. Amends Sections 522.012(b)-(d), Transportation Code, to provide that, in granting a waiver under this section, the Texas Department of Transportation (department) is subject to any condition or requirement established for the waiver by the United States secretary of transportation or the federal Motor Carrier Safety Administration, rather than highway administration. Makes conforming changes.

SECTION 7. Amends Section 522.021(a), Transportation Code, to require an application for a

commercial driver's license or commercial driver learner's permit to include the applicant's social security number, unless the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction.

SECTION 8. Amends Section 522.042(a), Transportation Code, to authorize the department to issue a commercial driver's license with endorsements authorizing the driving of a school bus, as defined by Section 541.201.

SECTION 9. Amends Section 522.062(a), Transportation Code, to require the department, if a person holds a commercial driver's license 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, rather than licensing, state of that conviction, in the time and manner required by 49 U.S.C. Section 31311. Deletes text regarding the date the department receives a report of conviction. Deletes text regarding a domicile. Makes nonsubstantive changes.

SECTION 10. Amends the heading to Section 522.072, Transportation Code, to read as follows:

Sec. 522.072. EMPLOYER RESPONSIBILITIES.

SECTION 11. Amends Section 522.072(b), Transportation Code, to prohibit an employer from knowingly requiring a driver to operate a commercial motor vehicle in violation of a federal, state, or local law that regulates the operation of a motor vehicle at a railroad grade crossing. Authorizes an employer who violates this section, rather than Subsection (a) or an out of service order, to be penalized or disqualified under 49 C.F.R. Part 383.

SECTION 12. Amends Sections 522.081(a) and (b), Transportation Code, to provide that this subsection applies only to a violation committed while operating a commercial motor vehicle. Provides that a person is disqualified from driving a commercial motor vehicle for a certain number of days for committing certain violations of law. Provides that a person is disqualified from driving a commercial motor vehicle for one year on first conviction of causing the death of another person through the negligent or criminal operation of a commercial motor vehicle or driving a commercial motor vehicle while the person's commercial driver's license 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 a nonsubstantive change.

SECTION 13. Amends Sections 522.087(a) and (b), Transportation Code, to provide that a person is automatically disqualified under certain subsections within Section 522.081. Prohibits an appeal from being taken from the disqualification. Provides that disqualifying a person under certain subsections within Section 522.081, other than a certain subdivision, is subject to the notice and hearing procedures of Section 521.295-521.303. Provides that an appeal of the disqualification is subject to Section 521.308.

SECTION 14. Amends Section 522.102, Transportation Code, to provide that this section and Section 522.103 apply only to a person who is stopped or detained while driving a commercial motor vehicle.

SECTION 15. Amends Section 522.103, Transportation Code, to provide that a peace officer requesting a person to submit a specimen under Section 522.102 is not required to comply with Section 724.015.

SECTION 16. Repealer: Section 522.003(20)(Definitions), Transportation Code.

SECTION 17. Effective date: September 1, 2001.

(b)-(h) Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 10. Adds a new SECTION 10 and amends the heading to a section in the Transportation Code.

SECTION 11. Adds a new SECTION 11 that prohibits an employer from requiring a driver to violate laws regulating railroad grade crossings.

SECTION 12. Renumbers proposed SECTION 10 as SECTION 12 and makes nonsubstantive changes.

Renumbers proposed SECTIONS 11 - 15 as SECTIONS 13 - 17.