

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1257
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Transportation & Homeland Security
4/7/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

New provisions enacted under the Federal Motor Carrier Safety Improvement Act are not reflected in current Texas law.

C.S.S.B. 1257 brings state law in accordance with new federal motor carrier regulations by exempting United States Coast Guard personnel from Chapter 522.004, Government Code. The bill prevents a holder of a commercial driver's license (CDL) at the time of a violation from taking a defensive driving class. The bill deletes contradictory subsections in Chapter 521.292, Transportation Code, regarding the circumstances in which a license may be suspended.

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 521.292(a), Transportation Code, as follows:

(a) Deletes existing text providing that a violation of a restriction or an endorsement imposed on the use of a driver's license (license) is grounds for the suspension of a person's license. Makes nonsubstantive changes and redesignates subdivisions to reflect that deletion.

SECTION 2. Amends Section 522.004(a), Transportation Code, to provide that this section does not apply to personnel serving in the United States Coast Guard.

SECTION 3. Amends Section 522.081, Transportation Code, by adding Subsection (g) to prohibit a person who holds a commercial driver's license (CDL) 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. Provides that the disqualification is for the disqualification period imposed under that section and requires the disqualification to be noted on the person's driving record.

SECTION 4. Amends Article 45.051(f), Code of Criminal Procedure, to provide that this article does not apply to a person who held a commercial driver's license when the offense was committed.

SECTION 5. Amends Article 45.0511(5), Code of Criminal Procedure, to make a conforming change.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2005.