

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1372  
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Transportation & Homeland Security  
4/10/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there is no time limit on when the Department of Public Safety (DPS) is required to respond to a request made by a state in relation to the 10-year history check for a commercial driver's license holder. Current law provides that suspension of a license takes effect 40 days after the person is considered to have received notice of suspension, but it does not provide for disqualification of a license. The law does not include a plea of guilty or nolo contendere in the definition of "conviction." Persons transporting cotton are exempt from getting a commercial driver's license.

C.S.S.B. 1372 requires DPS to respond to a driving record check request made by another state within 30 days, and the bill provides that disqualification of a license takes effect 40 days after the person is considered to have received notice of disqualification. This bill also redefines "conviction" to include a plea of guilty or nolo contendere and provides that certain farmers and certain commercial motor vehicles when used for military purposes by military personnel are exempt from the requirement of getting a commercial driver's license.

### **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 521.049, Transportation Code, by adding Subsection (d), as follows:

(d) Requires the Department of Public Safety (DPS) to respond to a request for a driving record check received from another state under 49 C.F.R. 384.206 within 30 days of the date of the request.

SECTION 2. Amends Section 521.297, Transportation Code, as follows:

Sec. 521.297. New heading: SUSPENSION, REVOCATION, OR DISQUALIFICATION EFFECTIVE DATE.

(a) Creates this subsection from existing text.

(b) Requires a license disqualification under Section 522.081(a) (Disqualification) to take effect on the 40th day after the date the person is considered to have received notice of the disqualification under Section 521.295(b) (relating to notice of suspension or revocation of a person's license), unless a disqualification is currently in effect. Provides that the periods of disqualification run consecutively, if a disqualification is currently in effect.

SECTION 3. Amends Sections 522.003(7) and (19), Transportation Code, to redefine "conviction" and "hazardous materials."

SECTION 4. Amends Section 522.004(a), Transportation Code, as follows:

(a) Provides that this chapter does not apply to a vehicle that is controlled and operated by a farmer and used to transport agricultural products, seed cotton modules, cotton burrs, farm machinery, or farm supplies to or from a farm, used within 150 miles of the person's farm, and not used in the operations of a common or contract motor carrier. Provides that this chapter does not apply to a military vehicle or a commercial motor vehicle, when operated for military purposes by military personnel, including certain listed military personnel. Deletes existing Subdivision (6) relating to a vehicle used exclusively to transport seed cotton modules or cotton burrs.

SECTION 5. Amends Section 522.023, Transportation Code, by adding Subsections (h) and (i), as follows:

(h) Entitles an applicant who pays the applicable fee required by Section 522.029 (Fees) to three examinations of each element under Section 522.022 (License Requirements). Requires the applicant to submit a new application accompanied by the required fee, if the applicant has not qualified after the third examination.

(i) Prohibits the Texas Department of Transportation (TxDOT) from issuing a commercial driver's license to a person who has not passed each examination required under this chapter.

SECTION 6. Amends Subchapter D, Chapter 522, Transportation Code, by adding Section 522.0425, as follows:

Sec. 522.0425. HAZARDOUS MATERIALS ENDORSEMENT; CANCELLATION.

(a) Requires TxDOT to cancel or deny the issuance of a hazardous materials endorsement of a person's commercial driver's license within 15 days of the date TxDOT receives notification from a federal agency authorized to make a final determination of threat assessment under 49 C.F.R. 1572.13.

(b) Requires TxDOT to immediately cancel or deny the person the issuance of a hazardous materials endorsement of a commercial driver's license, on receipt of a notification from a federal agency authorized to make an initial determination of threat assessment under 49 C.F.R. 1572.13.

(c) Requires the cancellation or denial of a hazardous materials endorsement under this section to be reported to the commercial driver's license information system before the 16th day after the date of cancellation or denial.

SECTION 7. Amends Subchapter E, Chapter 522, Transportation Code, by adding Sections 522.054 and 522.055, as follows:

Sec. 522.054. DENIAL OF RENEWAL OF COMMERCIAL DRIVER [sic] LICENSE.

(a) Authorizes TxDOT, 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 issued to a person by TxDOT for the person's failure to appear in connection with a complaint or citation, or failure to pay or satisfy a judgment ordering the payment of a fine and costs.

(b) Authorizes the information necessary under Subsection (a) to be transmitted through the commercial driver's license information system and sets forth the information required to be included.

Sec. 522.055. CLEARANCE NOTICE TO DEPARTMENT. Requires TxDOT, on receipt of notice from the other state that the grounds for denial of the renewal of the commercial driver's license based on the license holder's previous failure to appear or failure to pay a fine and costs previously reported by that state under Section 522.054 have ceased to exist, to renew the person's commercial driver's license.

SECTION 8. Amends Section 522.071(a), Transportation Code, to provide that a person commits an offense if the person drives a commercial motor vehicle on a highway during a period in which the person, the person's employer, or the vehicle being operated is subject to an out-of-service order, in addition to other specified situations.

SECTION 9. Amends Section 522.072(a), Transportation Code, to make conforming and nonsubstantive changes.

SECTION 10. Amends Section 522.081, Transportation Code, by adding Subsection (h), to require a disqualification imposed under Subsection (g) to run concurrently with any imminent hazard disqualification that is then currently in effect.

SECTION 11. Amends Section 522.087, Transportation Code, by adding Subsection (c), to require a disqualification imposed under Section 522.081(a) to run consecutively to any other disqualification that is then currently in effect.

SECTION 12. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.426, as follows:

Sec. 545.426. OPERATION OF VEHICLE WITH INSUFFICIENT UNDERCARRIAGE CLEARANCE. Prohibits an operator from driving on or crossing a railroad grade crossing unless the vehicle being operated has sufficient undercarriage clearance. Provides that an offense under this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200.

SECTION 13. Effective date: January 1, 2008.