

## **BILL ANALYSIS**

Senate Research Center  
81R8239 MTB-F

S.B. 1094  
By: Carona  
Transportation & Homeland Security  
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As Filed

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

Under current law, a person who holds or is required to hold a commercial driver's license and who is convicted in this state or another state of violating a state law or local ordinance relating to motor vehicle traffic must notify the Texas Department of Public Safety (DPS) of the conviction not later than the 30th day after the date of the conviction. The federal government has changed this requirement to ten days. Therefore, Texas must show an effort to comply, due to the possibility of the withdrawal of the authority of the State of Texas to issue commercial driver's licenses.

As proposed, S.B. 1094 requires a commercial driver's license holder to report a conviction for certain motor vehicle control offenses to DPS not later than the seventh day after the conviction. The bill also requires certain judges or court clerks to report certain convictions or adjudications of guilt within seven days.

### **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 Sections 522.061(a) and (b), Transportation Code, as follows:

- (a) Requires a person who holds or is required to hold a commercial driver's license under this chapter and who is convicted in another state of violating a state law or local ordinance relating to motor vehicle traffic control to notify the Department of Public Safety (DPS) in the manner specified by DPS not later than the seventh, rather than 30th, day after the date of the conviction.
- (b) Makes a conforming change.

SECTION 2. Amends Section 543.203, Transportation Code, as follow:

Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Requires the magistrate, judge, or clerk of the court in which a conviction or forfeiture of bail of a person on a charge of violating a law regulating the operation of a vehicle on a highway or conviction of a person of negligent homicide or a felony in the commission of which a vehicle was used, not later than the seventh, rather than 30th, day, after the date of conviction or forfeiture of bail, to immediately submit to DPS a written record of the case containing the information required by Section 543.202 (Form of Record).

SECTION 3. Amends Section 543.204(a), Transportation Code, to prohibit a justice of the peace or municipal judge who defers further proceedings, suspends all or part of the imposition of the fine, and places a defendant on probation under Article 45.051 (Suspension of Sentence and Deferral of Final Disposition), Code of Criminal Procedure, or a county court judge who follows that procedure under Article 42.111 (Deferral of Proceedings in Cases Appealed to County Court), Code of Criminal Procedure, from submitting a written record to DPS, except that if the justice or judge subsequently adjudicates the defendant's guilt, the justice or judge is required to submit the record not later than the seventh, rather than 30th, day after the date on which the justice or judge adjudicates guilt.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.