

## **BILL ANALYSIS**

Senate Research Center  
88R14372 MZM-F

H.B. 3646  
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Transportation  
5/11/2023  
Engrossed

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

The definition of commercial motor vehicle used in the Transportation Code was originally used for establishing which vehicles could be used for conducting a commercial driver's license (CDL) skills test. Therefore, the definition only included the weight requirements. Due to the frequency with which this definition is used by the commercial vehicle industry and law enforcement, it is appropriate to align the state definition with the federal definition. Additionally, state law needs to be amended to ensure consistency with federal regulations. H.B. 3646 seeks to revise certain regulations regarding CDLs to address these issues.

H.B. 3646 amends current law relating to certain regulations regarding commercial driver's licenses.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 4 (Section 522.0235, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 522.003(5), Transportation Code, by redefining "commercial motor vehicle."

SECTION 2. Amends Section 522.021(a-1), Transportation Code, to require the applicant, if the application is for a non-domiciled commercial driver's license (CDL) and the applicant is domiciled in a foreign jurisdiction that does not meet the testing and licensing standards established by 49 C.F.R. Part 383, to present certain documents, including a Form I-94 Arrival/Departure record or a successor document or an unexpired employment authorization document. Makes nonsubstantive changes.

SECTION 3. Amends the heading to Section 522.0235, Transportation Code, to read as follows:

Sec. 522.0235. ALTERNATIVE VISUAL STANDARDS FOR INTRASTATE DRIVER.

SECTION 4. Amends Section 522.0235(a), Transportation Code, as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS) by rule, except as provided by Subsection (b) (relating to providing that a certain subsection does not apply to standards for distant binocular activity), to use the alternative visual acuity standard prescribed by 49 C.F.R. Section 391.44 if an individual does not meet the visual acuity standard for a CDL prescribed by 49 C.F.R. Section 391.41, if the person who is applying for a CDL or who has been issued a CDL is a person who drives a commercial motor vehicle only in this state. Deletes existing text authorizing DPS, except as provided by Subsection (b), by rule to provide for a waiver of the visual standards for a CDL in 49 C.F.R. Part 391, Subpart E, if the person who is applying for a CDL or who has been issued a CDL is a person who drives a commercial motor vehicle only in this state.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2023.