

SUBJECT: Complying with minimum federal commercial vehicle licensing standards

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, Murr, Paddie, Phillips, Simmons

0 nays

1 absent — McClendon

WITNESSES: For — (*Registered, but did not testify*: Mark Borskey, Texas Trucking Association)

Against — (*Registered, but did not testify*: Teresa Beckmeyer; Barbara Harless, North Texas Citizens Lobby; Terri Hall, Texas TURF & Texans for Toll-free Highways)

On — (*Registered, but did not testify*: Ron Coleman and Joe Peters, Department of Public Safety; James Bass, TxDOT)

BACKGROUND: Recent regulations of the Federal Motor Carrier Safety Administration set new minimum standards for commercial driver's licenses and commercial driver learner's permits. Failure to amend the Transportation Code to conform with these new minimum standards would place a significant amount of federal highway funds at risk.

DIGEST: CSHB 2714 would amend the Transportation Code to bring it into compliance with Title 49 Code of Federal Regulations, sections 383 and 384. These changes would reflect several new regulatory policies, including those related to commercial driver learner's permits, the process of issuing a license to residents of other countries, and creating an offense for texting while driving, among other provisions.

**Commercial learner's permit.** To conform with federal law CSHB 2714 would rename the commercial driver learner's permit as a "commercial

learner's permit." The term "driver's license" would not include a commercial learner's permit. Separate documents would have to be issued for commercial learner's permits that were different from driver's licenses. The fee for issuing or renewing a commercial learner's permit would be \$24.

Operators with learner's permits would have to be accompanied by a holder of a commercial driver's license at all times when operating a commercial vehicle. These operators would need to carry their valid commercial learner's permit while operating a commercial vehicle. CSHB 2714 would allow DPS to issue commercial learner's permits with specific endorsements for passenger vehicles, school buses, and tank trucks. Such an endorsement would allow a permit holder to operate such a vehicle with only certain passengers aboard, including federal or state auditors, inspectors, test examiners, or other permit holders and the commercial driver's license holder supervising the driver with the commercial learner's permit.

**Non-domiciled licenses and permits.** CSHB 2714 would make changes to the process for granting commercial licenses and permits to persons who live outside the United States. Before issuing such a license or permit, DPS would be required to assess the feasibility of disqualifying the person under conditions that apply to a commercial driver's license or a commercial learner's permit issued to a Texas resident.

An applicant for a non-domiciled commercial driver's license who was domiciled in a foreign jurisdiction that did not meet federal testing and licensing standards and permits would need to present, in addition to a social security card, an unexpired passport, either a Form I-94 or an unexpired employment authorization document, and documentation of Texas residence.

**Texting while driving.** CSHB 2714 would create an offense for generating, sending, or reading a text while operating a commercial vehicle punishable as a class C misdemeanor (maximum fine of \$500). The bill would create exceptions to the offense, including those related to

the use of a GPS system, a push-button or voice-activated wireless communication device, or the performance of duties as a law enforcement officer or emergency responder, among others.

The bill would classify texting while operating a commercial vehicle as a “serious traffic violation” that could lead to disqualifying a motorist from driving a commercial vehicle for various periods of time depending on the number of violations accrued.

CSHB 2714 would take effect January 1, 2016.

**NOTES:**

According to the Legislative Budget Board’s fiscal note, CSHB 2714 would have no significant impact on general revenue, but it would result in an annual gain of \$336,000 annually to the Texas Mobility Fund due to the \$24 commercial learner’s permit fee.