

CHAPTER 342

S.B. No. 614

AN ACT

relating to definitions and penalties and the issuance of certain licenses under the Texas Commercial Driver's License Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes) is amended by adding Section 2A to read as follows:

Sec. 2A. REFERENCES TO STATUTES AND FEDERAL REGULATIONS. Unless expressly provided otherwise:

(1) a reference in this article to any portion of a statute applies to all reenactments, revisions, and amendments of the statute; and

(2) a reference in this article to any portion of Title 49, Code of Federal Regulations, applies to all revisions and amendments of that title.

SECTION 2. Subdivisions (7), (19), (20), and (24), Section 3, Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), are amended to read as follows:

(7) "Commercial motor vehicle" does not include:

(A) a vehicle that is controlled and operated by a farmer; and used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and not used in the operations of a common or contract motor carrier; and used within 150 miles of the person's farm;

(B) a fire-fighting or emergency vehicle necessary to the preservation of life or property or the execution of emergency governmental functions, whether operated by an employee of a political subdivision or by a volunteer fire fighter;

(C) a military vehicle, when operated for military purposes by military personnel, including any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians; ~~or~~

(D) a recreational vehicle that is driven for personal use; or

(E) a vehicle that is owned, leased, or controlled by an air carrier, as defined by Section 1(e), Chapter 344, Acts of the 49th Legislature, 1945 (Article 46c-1, Vernon's Texas Civil Statutes), and that is driven or operated exclusively by an employee of the air carrier only on the premises of an airport, as defined by Section 1(a), Municipal Airports Act (Article 46d-1, Vernon's Texas Civil Statutes), on service roads to which the public does not have access.

(19) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle, ~~the registered gross combination weight, or the actual weight, whichever is greatest~~. *If there is no manufacturer's specified value, gross combination weight rating [The actual weight] is determined by adding the GVWR of the power unit and the total weight of the towed unit or units and any load on a towed unit.*

(20) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the ~~[maximum] loaded weight of a single vehicle, registered gross weight, or the actual weight, whichever is greatest. The actual weight is the actual gross weight of the single unit and any load on the unit.~~

(24) "Out-of-service order" means:

(A) a temporary prohibition against driving a commercial motor vehicle issued as provided by Section 26 of this article or as provided by the law of another state or 49 C.F.R. Part 383.5; or

(B) a declaration by the Federal Highway Administration or an authorized enforcement officer of a state or local jurisdiction that a driver, commercial motor vehicle, or motor carrier operation is out of service under 49 C.F.R. Part 383.5.

SECTION 3. Section 8, Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), is amended by adding Subsection (c) to read as follows:

(c) *In addition to any penalty imposed under this Act, an employer who violates Subsection (b) of this section or an out-of-service order may be penalized or disqualified under 49 C.F.R. Part 383.*

SECTION 4. The Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes) is amended by adding Section 12A to read as follows:

Sec. 12A. **RESTRICTED COMMERCIAL DRIVER'S LICENSE.** (a) *In this section:*

(1) "Secretary" means the United States secretary of transportation.

(2) "Highway administration" means the United States Department of Transportation, Federal Highway Administration.

(3) "Farm-related service industry" has the meaning assigned by the secretary or the highway administration under the federal Commercial Motor Vehicle Safety Act of 1986.

(b) *If the department is authorized under the federal Commercial Motor Vehicle Safety Act to grant the waiver, the department by rule may waive the knowledge and skills tests required by Section 11 of this article and provide for the issuance of a restricted commercial driver's license to an employee of a farm-related service industry.*

(c) *In granting a waiver under this section, the department is subject to any condition or requirement established for the waiver by the secretary or the highway administration.*

(d) *In addition to any restriction or limitation imposed by this article or the department, a restricted commercial driver's license issued under this section is subject to any restriction or limitation imposed by the secretary or the highway administration.*

SECTION 5. Section 25, Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), is amended by adding Subsection (n) to read as follows:

(n) *In addition to any penalty imposed under this Act, a person convicted of an offense under Section 10(a)(5) of this Act may be penalized or disqualified under 49 C.F.R. Part 383.*

SECTION 6. Subsection (b), Section 31, Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), is amended to read as follows:

(b) The department shall give all out-of-state convictions, *disqualifications, and denials* full faith and credit and treat them for sanctioning purposes under this article as if they occurred in this state. The department may include on a person's driving record convictions, *disqualifications, and denials* that occurred in another state.

SECTION 7. This Act takes effect September 1, 1993.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 14, 1993, by a viva-voce vote; the Senate concurred in House amendment on May 19, 1993, by a viva-voce vote; passed the House, with amendments, on May 11, 1993, by a non-record vote.

Approved May 29, 1993.

Effective Sept. 1, 1993.