Distinguish between the Federal CVE and State CMV Violations

Automatic Qualification – TC 621.401(4)

Conditional Qualification – TC 644.101 and TC 621-401(5)

Over Registered Weight – TC 502.412

- TC 502.412 – Offense if a person operates or permits to be operated, a motor vehicle registered under this chapter that has a weight greater than that stated in the person's application for registration
- TC 502.055 – The weight, net weight or gross weight, as determined by the department (DPS) is the correct weight for registration purposes regardless of any other purported weight of the vehicle. DPS may require applicant to provide evidence of manufacturers rated carrying capacity or GVWR.
- TC 502.471 General Penalty – fine not to exceed $200.00
- TC 502.057 – DPS shall issue or require to be issued..., a registration receipt
- TC 621.002 - Receipt required by 502.057 shall be carried when vehicle on a highway and presented to an enforcement officer. A copy is admissible and prima facie evidence of gross weight for when vehicle is registered.
• Gross Vehicle Weight Rating [G.V.W.R.]
  Means the value specified by the manufacturer as the loaded weight of a single vehicle.

• Gross Combination Weight Rating [G.C.W.R.]
  Means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle or, if the manufacturer has not specified a value, the sum of the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and any load on a towed unit.
THE FORMULA

\[ W = 500\left(\frac{LN}{N - 1}\right) + 12N + 36 \]

- "W" is maximum overall gross weight on the group;
- "L" is distance in feet between the axles of the group that are the farthest apart; and
- "N" is number of axles in the group; or
Sidewall Rating – 393.75(f) FMCSR & TC 621.101(4)

- 621.101 (4) – A vehicle or combination of vehicles may not be operated... if (it) has... tires that carry a weight heavier than the weight specified and marked on the sidewall of the tire unless operated under the terms of a special permit. [State enforcement officer]

- 393.75 (f) No Motor Vehicle ... shall be operated with tires that carry a weight greater than marked on the sidewall of the tire or in the absence of a marking a weight greater than that specified... unless operates under a special permit and operates at a reduced speed of not greater than 50 mph.

- Determined by adding the Manufacturer's Weight Rating stamped on the side of the tire.

- *Does not apply if the vehicle is being operated under the terms of a special permit.

- Example #1: Steering Axle on a truck has 2 tires rated at 6,175 pounds each.

  **CALCULATION:**
  
  - Tire weight rating 6,175 pounds on each tire.
  - Multiply 6,175 pounds X 2 (Tires) = 12,350 pounds.
  - Therefore, the Steering Axle would be allowed 12,350 pounds.
Single Axle – TC 621.101(1)
• Total weight transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
• Maximum weight 20,000 lbs

Tandem – TC 621.101(2)
• Tandem axles defined as “two or more axles spaced more than 40” and not more than 96” (they become a group of axles).
• Total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
• Maximum weight 34,000 lbs

CALCULATE:
\[ W = 500 \left( \frac{LN}{N - 1} \right) + 12N + 36 \]
• “W” is maximum overall gross weight on the group;
• “L” is distance in feet between the axles of the group that are the farthest apart; and
• “N” is number of axles in the group.

Group/Gross – TC 621.101(3)
• Can be applied to all of the axles (outer bridge) and yield an overall gross weight.
• Can also apply to “Tractor Bridge” (Axles 1, 2 and 3) or “Trailer Bridge” (Axles 2, 3, 4 and 5).
• On any group of axles

CALCULATE:
\[ W = 500 \left( \frac{LN}{N - 1} \right) + 12N + 36 \]
• “W” is maximum overall gross weight on the group;
• “L” is distance in feet between the axles of the group that are the farthest apart; and
• “N” is number of axles in the group.
Commercial Motor Vehicle:  
A motor vehicle used to transport passengers or property that:
1. has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. has a gross vehicle weight rating of 26,001 or more pounds;
3. is designed to transport 16 or more passengers, including the driver; or
4. is transporting hazardous materials and is required to be placarded. (Subtitle B, Section 522.003(5), T.C.)

Commercial Motor Vehicle Violations:

Serious Traffic Violations:
Traffic offenses, which when committed by a person operating a commercial motor vehicle, are considered to be more serious than others. They include:
- Excessive speeding 15 mph over the posted limit or more;
- Reckless driving;
- Violation of State and local traffic laws other than parking, weight, or vehicle defect violations, arising in connection with a fatal accident;
- Improper or erratic lane change; or
- Following too closely. (Section 522.003(25), T.C.)
Define the Federal & State Violation Codes and Statutes

- Violation Types & Subtypes
- Texas Department of Public Safety Codes & Statutes
- Federal Motor Carrier Safety Administration Codes & Statutes
**Violation Types & Subtypes**

**COMMERCIAL MOTOR VEHICLE CODES & STATUTES**

**Criminal • Traffic**

- Non-Parking
- Parking
- City Ordinance

**NON-PARKING**

(Title 7 - Transportation Code
Offenses That Do Not Involve Parking)

- Speeding
- Driving Without Valid Registration
- Fail to Yield Right-of-Way on Green Signal
- Violate Promise to Appear ($1-$200; 3333; TC 543.009)
COMMERCIAL MOTOR VEHICLE
CODES & STATUTES

CITY ORDINANCE
Max Fine $2,000
- Building Codes
- Zoning Laws
- Dog Ordinances
- Litter
- Fire Safety
- Zoning
- Public Health and
- Sanitation

Texas Department of Public Safety
Statutes & Violations

COMMERCIAL MOTOR VEHICLE
CODES & STATUTES

- SPEEDING 15 MILES OR MORE OVER
  POSTED LIMIT - CDL
  - 3039
- RESTRICTION VIOLATION - CMV
  - 3306
- VIOLATE OUT OF SERVICE ORDER HAZMAT
  AND/OR PASS
  - 3349
COMPLIANCE DISMISSALS
- Operate Motor Vehicle without valid registration insignia properly displayed
  - $20 Dismissal Fee
- Expired Driver License
  - $10 Dismissal Fee
- Operate Vehicle with Defective Required Equipment (Or In Unsafe Condition)
  - NO DISMISSAL FEE, if the offense involves a Commercial Motor Vehicle
  - $10 Dismissal Fee – Non-CMV

COMMERCIAL MOTOR VEHICLE CODES & STATUTES
- 2015 TEXAS CLASS C & FINE –ONLY MISDEMEANORS
  - TMCEC Green Booklet
- TXDPS & FEDERAL REGULATION OFFENSES
  - TMCEC Website – Course Materials – Clerks – FY16 Regional Clerks Seminar – City Name – “The Truck Stops Here: Commercial Motor Vehicles and Drivers License Violations

Federal Motor Carrier Safety Administration Statutes & Violations
MARKING OBSCURED BY LABEL / ATTACHMENT
- FED REG 172.304(a)(3)
• IMPROPER PLACARDING OF A VEHICLE CONTAINING HM (HAZARDOUS MATERIALS)
- FED REG 172.502(a)(1)
• EXPIRED MEDICAL EXAMINERS CERTIFICATE
- FED REG 391.45(b)

MASKING 49 C.F.R. §384.226:
• The state must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a conviction from appearing on a CDL driver’s record (no matter where he is licensed) for any state or local traffic violation in any type of motor vehicle.
• "Masking" can only occur in the trial courts of original jurisdiction and there first must be a judgment of guilt.
• Texas Law: No Definition - See CCP 45.051(f) and 45.0511(a)

QUESTIONS?
CONTACT:
Texas Department of Public Safety
Automated Conviction Reporting Division
512-424-2031
COMMERCIAL DRIVER LICENSE OFFENSES

Describe Commercial Driver License and Applicable Statutory Laws

- Commercial Driver License Statutes
- Commercial Driver License Violations
COMMERCIAL DRIVER LICENSE OFFENSES

In addition to the proper class of license, drivers of specific types of trucks are required to obtain the following endorsements on their CDLs.

- T: Endorsement
  Inspected vehicles, with or without power, designed to transport 10 or more passengers, including the driver.

- P: Endorsement
  Required for trucks designed to transport passengers in vehicles that do not exceed 26,001 pounds gross vehicle weight.

- N: Endorsement
  Required when transporting hazardous materials over the public highways.

- X: Endorsement
  Required for vehicles involved in a highly specialized function or service like transporting heavy or oversized vehicles.
• FED REG § 383.51 DISQUALIFICATIONS FOR MAJOR OFFENSES
• FED REG § 383.51 DISQUALIFICATIONS FOR SERIOUS TRAFFIC VIOLATIONS
• FED REG § 383.51 DISQUALIFICATION FOR RAILROAD-HIGHWAY GRADE CROSSING OFFENSES
• FED REG § 383.51 DISQUALIFICATION FOR VIOLATING OUT-OF-SERVICE ORDERS
COMMERCIAL DRIVER LICENSE OFFENSES

- EXPIRED COMMERCIAL DRIVER LICENSE - CDL
  3260
- FAILURE TO NOTIFY DPS OF A CHANGE OF ADDRESS / NAME WITHIN 30 DAYS - CDL
  3302
- NO COMMERCIAL DRIVER LICENSE - CDL
  3301
- RESTRICTION VIOLATION - CDL
  3306
- DRIVING A COMMERCIAL VEHICLE WHILE LICENSE DISQUALIFIED - CDL
  3347

FINE, COURT COSTS & FEE TYPES

Identify Fine, Court Cost and Fee Types Related to CMV & CDL Violations

- Fine
- Court Cost
- Fee
FINE, COURT COSTS & FEE TYPES

• TITLE 7 FINE
  Section 542.401 of the Transportation Code requires cities to expand fine money collected for convictions of Title 7 of the Transportation Code offenses for:
  - construction and maintenance of roads, bridges, and culverts; and
  - enforcement of laws regulating the use of Highways by motor vehicles.
  Because courts collect fines for offenses in many different statutes, clerks should keep a separate accounting of fine money collected under Title 7, since statutes require cities to budget this money for certain uses. This type of information needs to be reported to the city accounting department and the person responsible for preparing the budget.

• GENERAL FINE
  All other fines collected, would be General Fines.
### OVER GROSS WEIGHT FINE

- On conviction of an offense involving operating or loading overweight vehicles under Section 621.506 of the Transportation Code, the court is required to remit the court costs and 50% of the fine to the Comptroller unless the offense occurred within 20 miles of an international border, in which event, the entire amount may be retained by the city.
- The city must use the money for road maintenance. Sec. 621.506(g), V.C.
- The statute does not say how frequently the fine money must be remitted. The Comptroller’s Office has set the reporting cycle to coincide with the quarterly cycle for the basic court costs and fees.

### PENALTY SECTION 621.506(B) – (B-3)

- Fine doubled for third conviction within 1 year
- Additional fine for permit violation
- 50% of fine is sent to State if more than 5,000 pounds heavier than allowable weight
- EXCEPTION – if violation occurs within 20 miles of Mexico, then 100% of funds are maintained

### BASE FINE

- Fine Set By The Judge for Each Offense
- Judge May Increase of Decrease Fine Within the Statutory Limits Set Forth by the Legislature, Statutes and/or City Ordinance

### MINIMUM FINE

- Minimum amount fine may be reduced, allowed by law

### MAXIMUM FINE

- Maximum amount fine may be increased, allowed by law
- Typical Texas Criminal Class C Offense
  - $0-$500 (Secs. 12.23 & 12.41, PC)
- Non-Penal Code Criminal Class C Offenses
  - Fine Range Determined by the Legislature

### CONTEMPT

- Only Class C Offense Which Allows Confinement in Jail for up to 72 hours Without Bond + $100 Fine(Secs. 21.501 & 21.002, GO)
FINE, COURT COSTS & FEE TYPES

- Transportation Code • Subtitle C
- “Rules of the Road” by definition
- Chapters 541-600, TC
- Maximum fine is doubled when committed in a construction or maintenance work zone when workers are present and the sign complies with the requirements (Sec. 542.404, TC)
- Exceptions:
  - Inspection offenses under Chapter 548, TC
  - Pedestrian offenses under Chapter 552, TC
  - Restraint laws under Section 545.412 or 545.413, TC

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COURT COSTS & FEES

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FINE, COURT COSTS & FEE TYPES

- SPECIAL EXPENSE FEE IS NOT A FINE
  - If the court ordered a special expense fee on a deferral case, this fee is a local fee and may be used for any lawful purpose designated by the city.
  - If the defendant fails to comply with the terms of the deferral, the court imposes a fine and converts any monies paid toward the special expense fee into payment for the fine. The court collects court costs once in a deferral.
### FINE, COURT COSTS & FEE TYPES

- **Texas Administrative Code 106**
  - "Moving Violations" defined by TXDPS
  - List of TAC offenses @
    - http://www.sos.state.tx.us/tac under Title 37, Part 1, Chapter 15, Subchapter D, Section 15.89

#### COURT COSTS

For cases of traffic violations or order violations, the cost is calculated as follows:

<table>
<thead>
<tr>
<th>Court Cost Type</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Department</td>
<td>20.00</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>30.00</td>
</tr>
<tr>
<td>Justice of the Peace</td>
<td>40.00</td>
</tr>
<tr>
<td>County Court</td>
<td>50.00</td>
</tr>
<tr>
<td>District Court</td>
<td>60.00</td>
</tr>
<tr>
<td>State Court</td>
<td>70.00</td>
</tr>
<tr>
<td>Federal Court</td>
<td>80.00</td>
</tr>
</tbody>
</table>

**Important Notes**:
- All fees are subject to change without notice.
- Court costs may vary based on the location and type of violation.
- Additional costs may apply for special services or programs.
FEDERAL AND STATE REPORTING

Explain CMV & CDL Violation Federal & State Reporting Requirements
CVE, CMV & CDL
Federal Reporting Requirements

FEDERAL AND STATE REPORTING

DR-18 – NOTICE OF FINAL CONVICTION FOR TRAFFIC LAW VIOLATION (MISDEMEANOR)

DL-115 – NOTICE OF CONVICTION AND SUSPENSION DISQUALIFICATION (NEW FORM)

TXDPS CORRECTION FORM
SUBMIT CORRECTION TO PREVIOUSLY REPORTED CONVICTION OR COMMERCIAL VEHICLE ENFORCEMENT INSPECTION REPORT
RESPONSE TO REQUEST FOR DATA REVIEW (RDR)
49 CFR PARTS 383 AND 390
EFFECTIVE AUGUST 2014
FEDERAL AND STATE REPORTING

• TXDPS MOTIONS, ORDERS AND/OR JUDGMENTS
  ADJUDICATION RESULT UPDATE [UPDATE TO FMCSA’S MOTOR CARRIER MANAGEMENT INFORMATION SYSTEM (MCMIS)]
  DISMISSED WITH FINE OR PUNITIVE COURT COSTS
  VIOLATION NOT REMOVED
  DISMISSED WITHOUT FINE OR PUNITIVE COURT COSTS
  VIOLATION REMOVED
  NOT GUILTY
  VIOLATION REMOVED
  CONVICTED OF LESSER CHARGE
  INSPECTION APPENDED TO INDICATE VIOLATION “RESULTED IN CONVICTION OF A DIFFERENT CHARGE” & SEVERITY WEIGHT CHANGED TO 1

CMV & CDL
State Reporting Requirements

FEDERAL AND STATE REPORTING

• TEXAS DEPARTMENT OF PUBLIC SAFETY CONVICTION REPORT
  Traffic Offenses on Public Roadways (All)
  Alcoholic Beverage Code (All)
  Health & Safety Code
  Tobacco
  Penal Code
  Theft of Gasoline
  Possession of Alcohol in Vehicle
  Public Intoxication-Under 21
COMMERCIAL MOTOR VEHICLE VIOLATIONS CONVICTION REPORTING REQUIREMENT

DPS has only 10 days from the date of conviction to report certain convictions for commercial motor vehicles and commercial driver’s license holders to the federal government.

Many clerks have expressed concern over submitting the conviction report in 7 days, since the defendant still has three more days in which to appeal the conviction at the point this report is due. DPS has stated that it would rather the courts report and then submit a conviction correction report than not report and jeopardize DPS being late in submitting its federal reports.

Thus, clerks should make it a point to submit these reports timely—submitting once a week is an easy way to remember—and have access to the conviction correction reports.

TEXAS DPS CONVICTION REPORTING CODE LIST (OMNI)

http://www.google.com/url?url=http://www.omnibase.com/TexasOffenseCodes.xls&rct=j&frm=1&q=&esrc=s&sa=U&ei=bExIyOcja8AGP_IHQBw&ved=0CBkQFjAB&usg=AFQjCNHQe8tIJP0S6KDYQMrIxLSnFHmnaA

CONTACT:
Darin Koch
Texas Department of Public Safety
Conviction Reporting
512-424-5983 work
512-424-2031 work
Darin.Koch@txdps.state.tx.us

Questions?

SOUTHLAKESPRINCE@LIVE.COM

Leah M. Huffman
Co-owner & Paralegal
Current Business Development, Legal & Technology Executive
H.B. 716
Subject: Certification of Peace Officers in Certain Municipalities to Enforce Commercial Motor Vehicle Safety Standards
Effective: June 1, 2015

H.B. 716 amends Section 644.101(b) of the Transportation Code to include police officers in a municipality located in a county with a population between 60,000 and 66,000 adjacent to a bay connected to the Gulf of Mexico as eligible to apply for certification to enforce commercial motor vehicle safety standards under Chapter 644 of the Transportation Code. H.B. 716 responds to increased commercial truck traffic and related crashes in San Patricio County, particularly in areas closest to the Port of Corpus Christi.

H.B. 1252
Subject: Weighing Procedure Requirements for Motor Vehicle Weight Enforcement Officers
Effective: September 1, 2015

H.B. 1252 amends Section 621.402 of the Transportation Code to require the Department of Public Safety (DPS) to establish by rule uniform weighing procedures to ensure an accurate weight is obtained for a motor vehicle by a weight enforcement officer who has reason to believe that the weight of the motor vehicle is unlawful. Currently, weight enforcement officers are allowed to weigh vehicles with portable or stationary scales to determine if a loaded motor vehicle is in violation of state law. Enforcement officers can typically obtain accurate weights from stationary scales, but weights obtained from portable scales vary for a number of reasons. This can result in the citation of trucking companies for overweight vehicles when, in fact, the vehicles are of legal weight.

H.B. 1252 authorizes DPS to revoke or rescind the authority of a weight enforcement officer who fails to comply with the uniform weighing procedures. This revocation could apply to a weight enforcement officer of a municipal police department, a sheriff’s department, or a constable’s office. The bill adds an affirmative defense in Section 621.508(b) of the Transportation Code against the offense of operating a vehicle with a single axle weight, tandem axle weight, or gross weight heavier than the weight authorized by law, if the weight enforcement officer failed to follow the weighing procedures established under Section 621.402. However, that affirmative defense only applies to an offense committed on or after the effective date of a rule adopted by DPS, which is required to adopt rules not later than January 1, 2016.

H.B. 1888
Subject: Commercial Driver’s Licenses and Commercial Learner’s Permits, Inspection Offense
Effective Date: January 1, 2016

Currently, the Department of Public Safety of the State of Texas (DPS) has the authority to issue commercial driver learner’s permits and commercial driver’s licenses (CDLs). However, Texas must ensure continued compliance with federal regulations in order to maintain this authority. Texas risks the loss of several million dollars in federal highway funds if it does not comply with Federal Motor Carrier Safety Administration (FMCSA) rules and regulations. Numerous federal regulations have recently been enacted. H.B. 1888 amends Chapter 522 of the Transportation Code, the Texas Commercial Driver’s License Act, to make the necessary conforming changes to maintain federal compliance.

In conformity with federal law, H.B. 1888 renames the commercial driver learner’s permit as a “commercial learner’s permit” in Section 522.003 of the Transportation Code. The bill also redefines
driver’s license not to include a commercial learner’s permit (CLP). Other conforming changes to Section 522.003 are renaming a nonresident commercial driver’s license to a “non-domiciled” commercial driver’s license, including the United States, a state, or a political subdivision of a state in the definition of “person,” and expanding the regulations and criteria governing the term “out-of-service order.”

Traffic Safety, Transportation, and Transportation Code Amendments 99 H.B. 1888 amends Section 522.011 requiring a person driving a commercial motor vehicle to have in the person’s immediate possession a CDL (and not be disqualified or subject to an out-of-service order) or a CLP and a driver’s license issued by DPS in addition to being accompanied by the holder of a CDL. The accompanying license holder must at all times occupy, for the purpose of giving instruction in driving the vehicle, a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location allowing direct observation and supervision.

H.B. 1888 increases the punishment for driving a commercial motor vehicle without a CDL or CLP to $1000 if the defendant has a previous conviction of an offense under Section 522.011 in the year preceding the current offense.

H.B. 1888 adds Section 522.011(e) creating a defense to prosecution if the defendant shows a CLP or driver’s license (whichever is applicable) that was valid at the time of the offense. The court may assess a $10 administrative fee for dismissing the charge.

H.B. 1888 amends Section 522.013 authorizing DPS to issue a non-domiciled commercial learner’s permit with the same issuance requirements as a non-domiciled commercial driver’s license. Section 522.014 as amended requires issuance of a driver’s license by DPS before DPS may issue a commercial learner’s permit. It also requires that the CLP be a separate document from a driver’s license or a CDL. A CLP must be issued before issuing a CDL or upgrading classification of a CDL that requires a skills test. A CLP holder may not take a CDL skills test before the 15th day after the date of the issuance of the permit.

H.B. 1888 amends Section 522.015 to require a person with a CLP issued by another jurisdiction to also have a driver’s license issued by the same jurisdiction to drive a commercial motor vehicle in Texas.

Section 522.021(d) is amended to change the penalty for a person who knowingly falsifies information on an application for a non-domiciled commercial driver’s license or commercial learner’s permit from a 60-day cancellation of the person’s commercial driver’s license or permit to a 60-day disqualification of those documents. That offense is a Class C misdemeanor. This change only applies to an application filed on or after January 1, 2016.

The fee in Section 522.029 for the issuance or renewal of a CLP is reduced to $24 and creates a fee of $60 for administration of a skills test to a non-domiciled person. This applies to permits issued or renewed on or after January 1, 2016.

The bill authorizes DPS to issue a Class A, Class B, or Class C CLP. The holder of such a permit may drive any vehicle in the class for which the permit was issued and lesser classes of vehicles except a motorcycle or moped.

H.B. 1888 adds Subsection 522.042(b) authorizing DPS to issue a CLP with endorsements authorizing driving a passenger vehicle or school bus with limited types of passengers and an empty tank vehicle that has been purged of any hazardous materials. It is a Class C misdemeanor to drive such vehicles without the proper endorsement on the permit.
As amended, H.B. 1888 changes the expiration date of a CLP in Section 522.051 to the earlier of the expiration date of the driver’s license or CDL or the 181st day after the date of issuance. This applies to permits issued on or after January 1, 2016.

H.B. 1888 amends Section 522.0541 expanding DPS authority to deny under certain circumstances renewal of a DPS-issued CDL in the manner ordered by a court in another state in connection with a matter involving a certain motor vehicle traffic control violation and on receipt of the necessary information from the other state to include the authority to deny renewal of a DPS-issued CLP under such circumstances and expands those circumstances to include failure to answer a citation or to pay fines, penalties, or costs related to the original violation. The bill requires DPS to apply any such notification received from another state as a conviction to the person’s driving record.

The bill expands the scope of the following statutory provisions regarding CDLs to make the provisions applicable also to a CLP: provisions regarding clearance notice from another state to DPS that the grounds for denial of the renewal of a CDL based on previously reported violations have ceased to exist (Section 522.055), provisions regarding the offense of driving a commercial motor vehicle while disqualified for or denied a CDL (Section 522.071), provisions regarding the circumstances under which a CDL holder is disqualified from driving a commercial motor vehicle (Sections 522.081 and 522.089), and provisions regarding notification to DPS or to a CDL holder’s employer of a conviction in this state or another state of certain motor vehicle traffic control violations (Section 522.061).

As amended, Subsection 522.087(d) makes certain disqualifications take effect on the 10th day after the date DPS issues the order of disqualification.

H.B. 1888 requires DPS to remove the commercial driver’s license privilege from a CDL or a CLP holder if the holder fails to provide DPS a self-certification of operating status or fails to provide and maintain with DPS a current medical examiner’s certificate that is required based on the self-certification.

Section 522.105(a) is amended to specify that the required disqualification by DPS of a person driving a commercial motor vehicle due to a peace officer’s report that the person refused to give a requested specimen or submitted a specimen that disclosed an alcohol concentration of 0.04 or more begins on the 45th day after the date the report is received unless a hearing is granted.

Section 548.256 of the Transportation Code is amended to require the Texas Department of Motor Vehicles (DMV) or the county assessor-collector registering a vehicle to verify that the vehicle complies with applicable inspection requirements in Chapter 548 and Chapter 382 of the Health and Safety Code (vehicle emissions). The DMV or a county assessor-collector may register a non-compliant vehicle if the vehicle is located in another state at the time the applicant applies for registration or renewal and the applicant certifies that the vehicle was located in another state and that the applicant will comply with the applicable inspection requirements and DMV administrative rules once the vehicle is operated in Texas. H.B. 1888 requires the DMV to add a notation to the registration database for law enforcement to verify the inspection status. H.B. 1888 adds Section 548.605 creating an offense for operating a vehicle registered based on certification under Section 548.256 not in compliance with applicable inspection requirements. A peace officer may require the owner or operator to produce a vehicle inspection report if the DMV registration database includes a notation for law enforcement to verify the inspection status of the vehicle. That offense is a Class C misdemeanor. Section 548.605 includes a compliance dismissal for the offense of operating a vehicle without complying with inspection requirements as certified and requires an administrative fee not to exceed $20. H.B. 1888 adds that administration fee to the list of additional fees and costs in Section 103.0213 of the Government Code.
The DMV or county assessor-collector does not have to verify compliance for a vehicle being registered under Section 502.091 (International Registration Plan) or a token trailer being registered under Sections 502.255 or 502.0023.

**TMCEC:** H.B. 1888 had lowly beginnings as merely a three-section bill that increased the fine for driving a commercial motor vehicle without a commercial driver’s license to a Class B misdemeanor if a prior conviction occurred in the year preceding the date of the offense. The enrolled version contains 47 sections, carrying text from at least two other bills, both of which originally contained a Class C misdemeanor offense for operating commercial motor vehicles while using a wireless communication device. That offense is not part of H.B. 1888.

The bill does contain an inspection offense related to all vehicles, not just commercial motor vehicles. In the 83rd Legislative Session, Section 548.605 of the Transportation Code was repealed, removing a compliance dismissal for driving with an expired inspection certificate, which as of March 1, 2015 is no longer an offense. H.B. 1888 adds a new Section 548.605 creating an offense for operating a vehicle without complying with inspection requirements as certified under Section 548.256 and includes a corresponding compliance dismissal.

**H.B. 3225**  
**Subject:** Lane Restrictions for Certain Motor Vehicles in Highway Construction or Maintenance Work Zones  
**Effective:** September 1, 2015

H.B. 3225 adds Section 545.0653 of the Transportation Code to allow the Texas Department of Transportation to restrict commercial motor vehicles to a specific lane of traffic in a construction or maintenance work zone.

**TMCEC:** While the new Section 545.0653 does not specifically make mention of a new Class C misdemeanor in the statute, it does charge the Department of Public Safety with erecting and maintaining traffic control devices to enforce a lane restriction; this may lead to a new way that drivers could disregard an official traffic control device, a Class C misdemeanor under Section 544.004 of the Transportation Code.

**S.B. 58**  
**Subject:** Enforcement of Commercial Motor Vehicle Standards in Certain Municipalities along Texas’ Gulf Coast  
**Effective Date:** September 1, 2015

S.B. 58 amends Section 644.101 of the Transportation Code to include a municipality with a population of more than 40,000 and less than 50,000 that is located in a county with a population of more than 285,000 and less than 300,000 that borders the Gulf of Mexico among the municipalities from which a police officer is eligible to apply for certification to enforce commercial motor vehicle safety standards. S.B. 58 decreases from one million to 700,000 the minimum population of a county that triggers a county sheriff’s or deputy sheriff’s eligibility to apply for such certification.

**TMCEC:** As introduced, S.B. 58 only made changes regarding the population of a county triggering eligibility for certification. Between the Senate Committee report and the engrossed version of the bill, specific provisions regarding a municipality were added. This is one of two bills that amend Section 644.101 of the Transportation Code. See H.B. 716 for another change with similar, specific language concerning a municipality’s officers’ ability to apply for certification.
37 TexReg 978
21 CFR § 1308 (Schedules I-V) - Schedule of Controlled Substances

49 CFR Part 172 Subpart F

Tex. Transp. Code Ann. § 522.003
49 CFR § 382.107 - Definitions

49 CFR § 383.3 - Applicability

49 CFR § 383.3 (c) - Exception for certain military drivers

49 CFR § 383.3 (d) (1) - Exception for operators of a farm vehicle
<table>
<thead>
<tr>
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49 CFR § 384.209 - Notification of traffic violations

49 CFR § 384.210 - Limitation on licensing

49 CFR § 384.225 - CDLIS driver recordkeeping

49 CFR § 392.5 - Alcohol prohibition

49 CFR § 392.5 (c) - Alcohol prohibition: "Out-of-Service"