

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2741, Page 1, Section 302.733, Lines
2 6-7, by deleting said lines and inserting in lieu thereof the following:

3
4 "(4) Make entries on reports and records.

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6 Such requirements shall be interpreted consistently with the applicable federal motor carrier
7 safety regulations.

8 2. A person commits the offense of operating a commercial motor vehicle"; and

9
10 Further amend said bill, Page 4, Section 302.735, Line 90, by inserting after the word "or" the
11 word "nondomiciled"; and

12
13 Further amend said bill and section, Page 5, Line 113, by inserting after all of said line the
14 following:

15
16 "(9) Nothing in this subsection shall be construed to require state or local law
17 enforcement officers to independently determine immigration status beyond verification of
18 compliance with applicable federal commercial motor vehicle regulations."; and

19
20 Further amend said bill, page, and section, Line 116, by inserting after all of said section and line
21 the following:

22
23 "302.738. 1. Any person operating a commercial motor vehicle within this state shall:

24 (1) Hold a valid commercial driver's license issued in compliance with 49 C.F.R. Part
25 383, as amended; and

26 (2) Be authorized under applicable federal law to engage in employment as a
27 commercial motor vehicle operator within the United States.

28 2. A person commits the offense of unlawful commercial motor vehicle operation if he
29 or she operates a commercial motor vehicle within this state while:

30 (1) Not in possession of a valid commercial driver's license issued in compliance with 49
31 C.F.R. Part 383; or

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1 (2) Not authorized under applicable federal law to engage in employment as a
2 commercial motor vehicle operator within the United States.

3 3. The offense of unlawful commercial motor vehicle operation is a class A
4 misdemeanor for a first or second offense and a class D felony for a third or subsequent offense.

5 4. Notwithstanding the provisions of subsection 3 of this section, any violation of this
6 section that is discovered after a major violation of traffic law shall be punishable as a class D
7 felony. For purposes of this subsection, "major violation of traffic law" means a violation of
8 traffic law that presents predictable harm or is inherently dangerous. Such violations shall
9 include, but not be limited to, driving while in an intoxicated condition, under the influence of
10 controlled substances or drugs, or with an excessive blood alcohol content; exceeding the speed
11 limit by more than nineteen miles per hour; performing a u-turn on a designated one-way street;
12 any violation occurring within a construction zone or school zone; and driving in the wrong
13 direction on a highway.

14 5. Upon a violation of this section, the operator shall be placed out of service until
15 compliance with federal law is demonstrated.

16 6. Nothing in this section shall be construed to require state or local law enforcement
17 officers to independently determine immigration status beyond verification of compliance with
18 applicable federal commercial motor vehicle regulations.

19 302.739. 1. Any commercial motor carrier operating within this state shall have an
20 affirmative duty to ensure that each driver operating under its authority within this state:

21 (1) Holds a valid commercial driver's license issued in compliance with 49 C.F.R. Part
22 383, as amended; and

23 (2) Is authorized under applicable federal law to engage in employment as a commercial
24 motor vehicle operator within the United States.

25 2. A commercial motor carrier that permits or dispatches a driver to operate a
26 commercial motor vehicle within this state in violation of section 302.736 shall be subject to a
27 civil penalty of not less than fifteen thousand dollars per violation.

28 3. If a violation of subsection 2 of this section results in serious physical injury to
29 another person, the commercial motor carrier shall be subject to a civil penalty of not less than
30 twenty-five thousand dollars per violation.

31 4. If a violation of subsection 2 of this section results in the death of another person, the
32 commercial motor carrier shall be subject to a civil penalty of not less than fifty thousand dollars
33 per violation.

34 5. Upon a second violation within a five-year period, the appropriate state agency may
35 suspend the commercial motor carrier's authority to operate within this state for a period not to
36 exceed one year.

37 6. Upon a third violation within a five-year period, the commercial motor carrier's
38 authority to operate within this state may be revoked.

1 7. A commercial motor carrier that has been assessed a fine or prohibition under this
2 section shall remain liable for such fine or prohibition regardless of any change in business
3 name, structure, ownership, or formation of a new entity. Any successor entity with substantial
4 continuity of ownership, management, officers, directors, or operations with the violating carrier
5 shall be jointly and severally liable for the unpaid fine and subject to the same prohibitions and
6 out-of-service requirements. The department of transportation shall not issue, renew, or transfer
7 any commercial vehicle registration, authority, or license to any such successor entity until all
8 finances are paid in full and compliance with this section is achieved. For purposes of this
9 subsection, "commercial motor carrier" includes any entity using the same or affiliated United
10 States Department of Transportation number or motor carrier number as the violating carrier.

11 8. Nothing in this section shall be construed to require state or local law enforcement
12 officers to independently determine immigration status beyond verification of compliance with
13 applicable federal commercial motor vehicle regulations."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.