

Quick Reference Information for “Certain Contract Carriers”

Texas Transportation Code, Section 644.054 provides:

- (a) This section applies only to a contract carrier that transports an operating employee of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.
- (b) The department shall adopt rules regulating the operation of a contract carrier to which this section applies. The rules must:
 - (1) prohibit a person from operating a vehicle for more than 12 hours in a day;
 - (2) require a person who operates a vehicle for the number of consecutive hours or days the department determines is excessive to rest for a period determined by the department;
 - (3) require a contract carrier to keep a record of all hours a vehicle subject to regulation under this section is operated;
 - (4) require a contract carrier to perform alcohol and drug testing of vehicle operators on employment, on suspicion of alcohol or drug abuse, and periodically as determined by the department;
 - (5) require a contract carrier, at a minimum, to maintain liability insurance in the amount of \$1.5 million for each vehicle; and
 - (6) be determined by the department to be necessary to protect the safety of a passenger being transported or the general public.
- (c) The department shall inform contract carriers and railroad companies that employ contract carriers of the requirements of state statutes applicable to contract carriers.

The Texas Department of Public Safety has adopted Title 37, Texas Administrative Code (TAC), Rule 4.11(c)(1)(G), Rule 4.12(a)(7), Rule 4.21(c) and Rule 4.22. See as follows:

TAC 4.11(c)(1)(G) requires that the regulations shall be applicable to a contract carrier transporting operating employees of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.

TAC 4.12(a)(7) requires that a railroad contract carrier is subject only to Title 49, Code of Federal Regulations, Part 391, except 391.11(b)(4) and Subparts E (Physical qualifications for drivers-Medical Certificate), Part 393 (Parts and Accessories Necessary for Safe Operation-Vehicle Equipment), 395 (Hours of service), and 396 (Inspection, Repair, and Maintenance), except 396.17 (Periodic Inspections)

The Texas hours of service requirements are 12 hours driving following 8 consecutive hours off duty; 15 hours on duty following 8 consecutive hours off duty; and 70 hours on duty in any consecutive seven-day period.

The maintenance of a driver's record of duty status is not required if the vehicle is operated within a 150 air-mile radius of the driver's normal work reporting location if:

(A) the driver returns to the normal work reporting location and is released from work within 12 consecutive hours;

(B) the driver has at least 8 consecutive hours off duty separating each 12 hours on duty and

(C) the motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time and business records which include the following information:

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day;

(iv) the total time on duty for the preceding seven days in accordance with Title 49, Code of Federal Regulations, Part 395.8(j)(2) for drivers used for the first time or intermittently; and

(v) the motor carrier maintains business records that provide the date, time, quantity, and location of the delivery of a product or service, including delivery tickets or sales invoices.

TAC 4.21(c) requires a valid positive test result under §4.22 of this title (relating to Contract Carriers of Certain Passengers) must be reported and maintained in the same manner as reports under subsection (a) of this section. Such information may only be released in the same manner as described in subsection (b) of this section.

TAC 4.22 requires a contract carrier transporting operating employees of a railroad in vehicles designed to carry 15 passengers or less, as described in Texas Transportation Code, §644.054(a), as well as a driver of any such vehicle, are both subject to the following regulations.

- (1) A driver may not operate a vehicle subject to this section for more than 12 hours in a day and must obtain adequate rest in the same manner as is described in §4.12(a)(2) of this title (relating to Exemptions and Exceptions). This driver must comply with all other requirements described in Title 49, Code of Federal Regulations, Part 395.
- (2) A driver operating a vehicle subject to this section must comply with Title 49, Code of Federal Regulations, Part 40 and Part 382, relating to USDOT drug and alcohol testing, regardless of whether this driver is a holder of a commercial driver's license.
 - (a) A valid positive result, whether from a refusal or from a determination of a medical review officer, will be reported to the department's valid positive results database as if the driver were a holder of a commercial driver's license.
 - (b) A driver who commits prohibited conduct under Title 49, Code of Federal Regulations, Part 382, Subpart B is prohibited from driving a vehicle subject to this section. A driver prohibited under this subsection may remove the prohibition by

completing a return-to-duty process as described by Title 49, Code of Federal Regulations, Part 40, Subpart O.

(3) A contract carrier subject to this section must, at a minimum, maintain liability insurance in the amount of \$1.5 million for each vehicle, unless a higher amount is required by another law. Whenever a vehicle is detained under Texas Transportation Code, §644.103, or premises are inspected under Texas Transportation Code, §644.104, the contract carrier must present the officer or the employee of the department proof of minimum liability insurance.

Additional Information may be obtained at <http://www.txdps.state.tx.us/geninfo.htm>

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