

FY2026

Commercial Vehicle Scenarios

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1

Today's Class

01

Issues Related to CMVs

- Overweight Violations
- Load Zoned Roads & Bridges
- Calculating & Distributing Fines

02

Issues Related to CDL Holders

- Types of CDLs
- Eligibility for Deferred Disposition
- Compliance Dismissals
- Necessity of a Plea from the Defendant
- Masking

2

Issues Related to CMVs

Scenarios related to the vehicle, not the driver

3

Overweight Vehicle Violations

- Found in Transportation Code Secs. 621.101, 621.506
- *See handouts*

4

Scenario 1

- Trooper submitted citation for 621.101(a)(2) Over 34,000LBS Tandem axle with weight over 1,750.
- **What is the fine range?**
- **What if this is the 3rd conviction in less than a year?**

5

Scenario 2

- A person driving an international harvester commercial vehicle gets a citation for over-weight tandem axle # 4&5(47150/34000/13150 LBS)
- Owner comes in and states they have an over-weight permit, but the driver did not have it with him that day.
- **Can this be dismissed with proof of the permit?**

6

Load Zone Roads & Bridges

- In addition to the other restrictions in Ch. 621, some roads and bridges may be determined to require more strict weight restrictions. These restrictions may be imposed by either the **county** or by **TxDOT**, which create a “**load zoned road**” or “**load zoned bridge.**”
- Violation of these restrictions may be charged under several different offenses, depending on the circumstance.

7

Load Zone Roads & Bridges

- These offenses include violation of a county-imposed restriction under Transportation Code § 251.161, and violation of a TxDOT-imposed restriction, which may be alleged under Transportation Code §§ 621.102 or 621.502.
- These offenses all have a **fine range \$1-\$200**. Transportation Code §§ 251.161, 621.507.
- If a complaint alleging prior convictions within the past year under Section 621.507 is filed, jail time is an option, and so the court must dismiss the case. Transportation Code § 621.507(b)(2)(3).

8

Where do the fines go?

- **50% of the amount** of fines collected for an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is **more than 5,000 pounds heavier than the vehicle's allowable weight** shall be sent to the comptroller in the manner provided by Local Government Code, Subchapter B, Chapter 133,
- *Except that if the offense occurred within 20 miles of an international border, the entire amount of the fine shall be deposited for the purposes of road maintenance in the county treasury.*
- Transportation Code §§ 621.506(g), (h). *See Chapter 2 of the Fines, Fees, and Costs Deskbook for more information.*

9

Scenario 3

- Trooper submitted citation for 621.101(a)(2) Over 34,000LBS Tandem axle with weight over 5,000.
- **What is the fine range?**
- **Does any of the fine go to the State Comptroller?**

10

Issues Related CDL Holders

Scenarios related to the driver, not the vehicle

11

Commercial Drivers Licenses

Class A

- Any combination of vehicles with a gross combination weight of 26,001 pounds or more, if the gross vehicle weight rating (GVWR) of the towed vehicle or vehicles exceeds 10,000 pounds

Class B

- Any single vehicle with a GVWR of 26,001 or more, a single vehicle with a GVWR of 26,001 pounds or more; or
- Any such vehicle towing a vehicle(s) with a GVWR 10,000 pounds or less: or
- Any vehicle designed to transport 24 passengers or more, including the driver. (School Bus)

Class C

- Any single vehicle or combination of vehicles that meets neither the definition of Class A or Class B;
- Is designed to transport 16-23 passengers, including the driver; or
- Is used in the transportation of hazardous materials that require placards

12

CDL Exemptions

- Farmers, ranchers, and their employees or family members using CMV class vehicle to transport agricultural products, farm machinery or supplies, used within 150 miles of farm, not for contract or common carrier
- Firefighters and Emergency Personnel in government vehicles
- Military personnel in Military vehicles
- Persons operating recreational vehicles for personal use
- Persons operating air carrier vehicles at an airport
- Persons operating a vehicle used exclusively to transport seed cotton modules or cotton burrs

13

Interstate vs. Intrastate Commerce

- **What's the difference?**

14

CDL Restrictions

- Must be 21 years old
- Must meet physical guidelines & sufficiently speak and read English
- L - Only operate CMV w/o air brakes
- M - Only operate Intrastate (w/in Texas)
- P - Personal restrictions-operate only as per restriction on the driver's license
- More on the DPS website

15

CDL Restrictions - Offense

- Transportation Code Sec. 522.043
- Fine-only Misdemeanor
- \$1 - \$200

16

CDL Endorsements

- T – Double/Triple Trailers
- P – Passenger
- N – Tank Vehicle
- H – Hazardous Materials
- X – Combo Tank & Hazardous Materials
- S – School Bus
- More on DPS website

17

Deferred Disposition & CDLs

- The Law is very clear in stating that both a Driver Safety Course (45A.351(c)) and a Deferred Disposition (45A.301) are not available to any CDL License/Permit holder *even if in their personal vehicle, if the offense charged relates to Motor Vehicle Control.*

18

Scenario 4

- A CDL holder is charged with public intoxication and disorderly conduct in your court.
- **Are they eligible for differed disposition?**

19

Scenario 5

- A CDL driver is charged with an overweight violation in their farm truck your court.
- **Are they eligible for deferred disposition?**

20

Why do we have these restrictions on Deferred Disposition?

- Federal Law requires it!
- Under Transportation Code Sec. 644.051, DPS has incorporated large parts of the FMCSR (Federal Motor Carrier Safety Regulations)
- Any rule violated under Texas Admin Code Title 37, Part I, Chapter 4, Subchapter B, Rule 4.11 is a **Class C Misdemeanor** under Transportation Code Sec. 644.151
- **What is the general fine range??**

21

Goals of the Commercial Motor Vehicle Safety Act (CMVSA)

- Passed in 1986
- Improve highway safety by removing unsafe CMVs and unqualified or unsafe drivers from the roads
- Standardized the minimum requirements for CDLs across the country
- This was a precursor to the Federal Motor Carrier Safety Administration (FMCSA) & FMCSRs

22

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23

Compliance Dismissals & CDLs

Most Common

	CMV	Personal Vehicle
Registration	Only prosecutor's motion	Yes
Inspection	Will be part of registration	Yes
Insurance	Only prosecutor's motion	Yes

24

Scenario 6

- A defendant in your court is charged with Failure to display CDL (522.011) in your court. When they come to court, they show you a copy of their CDL. It was valid at the time of the stop. They said they just couldn't find it when the officer asked for it.
- **Can the court give them a compliance dismissal?**

25

Scenario 7

- A defendant with a CDL is charged with a citation for no insurance in their personal vehicle.
- **Can they get a compliance dismissal?**

26

Scenario 8

- You are opening the mail and received a payment in full for a CDL driver defendant's citation for speeding. Only the copy of the citation and the check from ABC Trucking, LLC are included in the envelope.
- **What do you do?**

27

Payments Without a Plea

- You should not take a check or payment in person *from a motor carrier company* for payment of an offense by one of their driver's that is not accompanied by a written plea from the driver or have the driver/defendant present to enter plea.
- Recommendation is to not take a mailed in check *from a motor carrier company* either unless accompanied by written plea from driver/defendant.
- **Why?**

28

Masking in Texas

- The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CDL driver's conviction for **ANY** violation, in any type of motor vehicle, of a state or local traffic control law (except parking) from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or in any other state.
- 49 CFR 384.226

29

Scenario 9

- A CDL driver is charged with Failure to Yield in their personal vehicle. The court allows DSC.
- **Is this masking?**

30

Why is this not allowed?

- Commercial vehicles are extremely dangerous!
- When driving people tend to fall back on their practiced behaviors.
- **Have you ever driven somewhere on autopilot?**
- If a CDL holder is practicing unsafe driving in their personal vehicle, they are likely to fall back on those habits when driving for work.

31

Scenario 10

- A CDL driver is charged with Speeding in their personal vehicle. The prosecutor changes the charge to a parking offense after the defense attorney argues that the defendant was in their personal vehicle and will lose their CDL if convicted.
- The defendant is convicted of the parking offense and pays the fine.
- **Is this masking?**

32

Rule 3.9 - Special Responsibilities of a Prosecutor

The Prosecutor in a criminal case shall:

(a) refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows is not supported by probable cause.

...

- Intentionally changing a charge to an offense, for which there is no factual basis, in order to avoid adjudication or **MASK** an offense is unethical

33

What do you do if you know the prosecutor is masking?

- You can reject a plea or refuse to sign a dismissal.
- Sometimes you don't realize this is what it is though!
- **How do you handle this in your courts?**
- ***See handout***

34

It is Also Unethical for a Judge to Participate in Masking

- **Canon 2 A** - A judge **shall comply with the law** and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2 B** - A Judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of the office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey that they are in a special position to influence the judge.
- **Canon 3** -Rule C-2 - Judges should require their staff and court officials subject to their direction and control to observe the standards of fidelity and diligence that apply to judges.

35

Texting and Driving

- Research commissioned by FMCSA shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are **6 times greater** for CMV drivers who ***engage in dialing a mobile phone while driving*** than for those who do not. Dialing drivers took their eyes off the forward roadway for an average of 3.8 seconds. At 55 mph (or 80.7 feet per second), **this equates to a driver traveling 306 feet, the approximate length of a football field, without looking at the roadway!**

36

FMCSR 383.5 and Transportation Code Sec. 545.4251

Texting Penalties

- CDL holders subject to the Federal rule (FMCSR 383.51) only when driving a CMV.
Fine \$____ - \$____
- CDL in Personal Vehicle - (Transportation Code Sec. 545.4251). Fine \$25 - \$99*
- There are also mobile phone use penalties under municipal ordinances

37

Disqualification of Drivers for Texting and Mobile Phone Use

- Multiple violations of the prohibition of using a hand-held mobile phone while driving a CMV can result in a driver disqualification by FMCSA.
- Multiple violations of State laws prohibiting use of a mobile phone while driving a CMV is a “serious traffic violation” that could result in a disqualification by a State of drivers required to have a Commercial Drivers License.

38

Definition of Disqualify

- *“Disqualify” means to withdraw the privilege to drive a CMV, including to suspend, cancel, or revoke that privilege under a State or Federal law.*

- **List of Disqualifying offenses**

1. Driving a CMV while under the influence of Alcohol
2. Driving while alcohol concentration is 0.04% or more
3. Driving a CMV while under influence of drug or controlled substance
4. Leaving scene of accident involving CMV
5. Using CMV to commit a felony
6. Two serious traffic violations w/in 3-year period
7. Violations that regulate CMV at railroad grade crossings
8. Refusing to submit to testing to determine if alcohol or drugs in system
9. Causing death of someone due to negligent operation of CMV
10. Driving CMV while CDL revoked, suspended, cancelled or disqualified

39

Helpful Websites

www.dps.texas.gov/section/commercial-vehicle-enforcement

www.fmcsa.dot.gov

<http://apps.txdmv.gov/apps/mccs/truckstop/>

<https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>

<https://www.ndaa.org/commercial-drivers-license-resources>

40