

By: Martinez

H.B. No. 3532

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of motor vehicles and entities by the  
3 Texas Department of Motor Vehicles.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 1201.161(c), (d), and (e), Occupations  
6 Code, are amended to read as follows:

7 (c) The Texas Department of Motor Vehicles shall provide to  
8 ~~[send]~~ the department monthly~~+~~

9 ~~[(1) a copy of each permit issued in the preceding~~  
10 ~~month for the movement of manufactured housing on the highways, or~~

11 ~~[(2)]~~ a list of the permits issued in the preceding  
12 month and the information on the permits.

13 (d) Unless the information provided for in Subsection (c) is  
14 provided electronically, the department shall pay the reasonable  
15 cost of providing ~~[the copies or]~~ the list and information under  
16 Subsection (c).

17 (e) The ~~[copies and]~~ lists to be provided under this section  
18 may be provided electronically.

19 SECTION 2. Section 256.101(3), Transportation Code, is  
20 amended to read as follows:

21 (3) "Weight tolerance permit" means a permit issued  
22 under Section 623.011 ~~[Chapter 623]~~ authorizing a vehicle to exceed  
23 maximum legal weight limitations.

24 SECTION 3. Section 621.002, Transportation Code, is amended

1 by amending Subsection (a) and adding Subsection (c) to read as  
2 follows:

3 (a) Except as provided by Subsection (c), a [A] copy of the  
4 registration receipt issued under Section 502.057 for a commercial  
5 motor vehicle, truck-tractor, trailer, or semitrailer shall be:

6 (1) carried on the vehicle when the vehicle is on a  
7 public highway; and

8 (2) presented to an officer authorized to enforce this  
9 chapter on request of the officer.

10 (c) Subsection (a) does not apply to a vehicle that displays  
11 a license plate issued under Section 502.0023(d-1) or 502.255(i).

12 SECTION 4. Section 621.101(a), Transportation Code, is  
13 amended to read as follows:

14 (a) A vehicle or combination of vehicles may not be operated  
15 over or on a public highway or at a port-of-entry between Texas and  
16 the United Mexican States if the vehicle or combination has:

17 (1) a single axle weight heavier than 20,000 pounds,  
18 including all enforcement tolerances;

19 (2) a tandem axle weight heavier than 34,000 pounds,  
20 including all enforcement tolerances;

21 (3) an overall gross weight on a group of two or more  
22 consecutive axles heavier than the weight computed using the  
23 following formula and rounding the result to the nearest 500  
24 pounds:

25 
$$W = 500((LN/(N - 1)) + 12N + 36)$$

26 where:

27 "W" is maximum overall gross weight on the group;

1 "L" is distance in feet between the axles of the group that  
2 are the farthest apart; and

3 "N" is number of axles in the group; or

4 (4) tires that carry a weight heavier than the weight  
5 specified and marked on the sidewall of the tire, unless expressly  
6 authorized [~~the vehicle is being operated~~] under the terms of a  
7 special permit.

8 SECTION 5. Chapter 622, Transportation Code, is amended by  
9 adding Subchapter K to read as follows:

10 SUBCHAPTER K. AUTOMOBILE TRANSPORTERS

11 Sec. 622.151. DEFINITIONS. In this subchapter:

12 (1) "Automobile transporter" means any vehicle  
13 combination designed and used for the transport of assembled motor  
14 vehicles, including a truck-tractor as defined by Section  
15 621.001(8)(A).

16 (2) "Backhaul" means the return trip of a vehicle  
17 transporting cargo or general freight.

18 (3) "Stinger-steered" means a truck-tractor and  
19 semitrailer combination in which the fifth wheel is located on a  
20 drop frame located behind and below the rearmost axle of the  
21 truck-tractor.

22 Sec. 622.152. AUTOMOBILE TRANSPORTER BACKHAULS. (a) An  
23 automobile transporter that complies with the weight and size  
24 limitations for a truck-tractor and semitrailer combination under  
25 this subtitle may transport cargo or general freight on a backhaul.

26 (b) For purposes of Subsection (a), an automobile  
27 transporter is presumed to be on a backhaul if the automobile

1 transporter is transporting cargo or general freight back over all  
2 or part of the same route.

3 Sec. 622.153. MAXIMUM EXTENDED LENGTH OF LOAD.

4 Notwithstanding Section 621.206, an automobile transporter that is  
5 stinger-steered may carry a load that extends not more than:

6 (1) four feet beyond its front; and

7 (2) six feet beyond its rear.

8 SECTION 6. Section 622.902, Transportation Code, is amended  
9 to read as follows:

10 Sec. 622.902. LENGTH EXCEPTIONS. The length limitations  
11 provided by Sections 621.203 to 621.205 do not apply to:

12 (1) machinery used exclusively for drilling water  
13 wells, including machinery that is itself a unit or that is a unit  
14 mounted on a conventional vehicle or chassis;

15 (2) a vehicle owned or operated by a public, private,  
16 or volunteer fire department;

17 (3) a vehicle or combination of vehicles operated  
18 exclusively in the territory of a municipality or to a combination  
19 of vehicles operated by a municipality in a suburb adjoining the  
20 municipality in which the municipality has been using the equipment  
21 or similar equipment in connection with an established service to  
22 the suburb;

23 (4) a truck-tractor, truck-tractor combination, or  
24 truck-trailer combination exclusively transporting machinery,  
25 materials, and equipment used in the construction, operation, and  
26 maintenance of facilities, including pipelines, that are used for  
27 the discovery, production, and processing of natural gas or

1 petroleum;

2 (5) a drive-away saddlemount vehicle transporter  
3 combination or a drive-away saddlemount with fullmount vehicle  
4 transporter combination, as defined by 23 C.F.R. Part 658 or its  
5 successor, if:

6 (A) the overall length of the combination is not  
7 longer than 97 feet; and

8 (B) the combination does not have more than three  
9 saddlemounted vehicles if the combination does not include more  
10 than one fullmount vehicle;

11 (6) the combination of a tow truck and another vehicle  
12 or vehicle combination if:

13 (A) the other vehicle or vehicle combination  
14 cannot be normally or safely driven or was abandoned on a highway;  
15 and

16 (B) the tow truck is towing the other vehicle or  
17 vehicle combination directly to the nearest authorized place of  
18 repair, terminal, or destination of unloading;

19 (7) a vehicle or combination of vehicles used to  
20 transport a harvest machine that is used in farm custom harvesting  
21 operations on a farm if the overall length of the vehicle or  
22 combination is not longer than:

23 (A) 75 feet if the vehicle is traveling on a  
24 highway that is part of the national system of interstate and  
25 defense highways or the federal aid primary highway system; or

26 (B) 81-1/2 feet if the vehicle is not traveling  
27 on a highway that is part of the national system of interstate and

1 defense highways or the federal aid primary highway system; ~~or~~

2 (8) a truck-tractor operated in combination with a  
3 semitrailer and trailer or semitrailer and semitrailer if:

4 (A) the combination is used to transport a  
5 harvest machine that is used in farm custom harvesting operations  
6 on a farm;

7 (B) the overall length of the combination,  
8 excluding the length of the truck-tractor, is not longer than  
9 81-1/2 feet; and

10 (C) the combination is traveling on a highway  
11 that:

12 (i) is not part of the national system of  
13 interstate and defense highways or the federal aid primary highway  
14 system; and

15 (ii) is located in a county with a  
16 population of less than 300,000; or

17 (9) a towaway trailer transporter combination, as  
18 defined by 49 U.S.C. Section 31111, if the overall length of the  
19 combination is not longer than 82 feet.

20 SECTION 7. Section 622.952, Transportation Code, is amended  
21 to read as follows:

22 Sec. 622.952. EMERGENCY [~~FIRE DEPARTMENT~~] VEHICLE. (a)  
23 The weight limitations of Section 621.101 do not apply to an  
24 emergency [a] vehicle [~~owned or operated by a public, private, or~~  
25 ~~volunteer fire department~~].

26 (b) The weight of an emergency [~~a fire department's~~] vehicle  
27 may not exceed the greater of:

1           (1) ~~[be heavier than]~~ the manufacturer's gross vehicle  
2 weight capacity or axle design rating; or

3           (2) including all enforcement tolerances, a:

4                   (A) gross weight of 86,000 pounds;

5                   (B) single steering axle weight of 24,000 pounds;

6                   (C) single drive axle weight of 33,500 pounds;

7                   (D) tandem axle weight of 62,000 pounds; or

8                   (E) tandem rear drive steer axle weight of 52,000  
9 pounds.

10           (c) In this section, "emergency vehicle" means a vehicle  
11 designed to be used under emergency conditions:

12                   (1) to transport personnel and equipment; and

13                   (2) to support the suppression of fires and mitigation  
14 of other hazardous situations.

15           SECTION 8. Section 622.955(c), Transportation Code, is  
16 amended to read as follows:

17           (c) The weight increase under Subsection (b) may not be  
18 greater than 500 ~~[400]~~ pounds.

19           SECTION 9. Section 623.011(b), Transportation Code, is  
20 amended to read as follows:

21           (b) To qualify for a permit under this section:

22                   (1) the vehicle must be registered under Chapter 502  
23 for the maximum gross weight applicable to the vehicle under  
24 Section 621.101, not to exceed 80,000 pounds; and

25                   (2) ~~[the security requirement of Section 623.012 must~~  
26 ~~be satisfied, and~~

27                   ~~[(3)]~~ a base permit fee of \$90, any additional fee

1 required by Section 623.0111, and any additional fee set by the  
2 board under Section 623.0112 must be paid.

3 SECTION 10. Section 623.0112, Transportation Code, is  
4 amended to read as follows:

5 Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a  
6 person applies for a permit under Section 623.011, the person must  
7 pay in addition to other fees an administrative fee adopted by board  
8 rule in an amount not to exceed the direct and indirect cost to the  
9 department of:

- 10 (1) issuing a sticker under Section 623.011(d);
- 11 (2) distributing fees under Section 621.353; and
- 12 (3) maintaining the list [~~notifying counties~~] under  
13 Section 623.013.

14 SECTION 11. Section 623.013, Transportation Code, is  
15 amended to read as follows:

16 Sec. 623.013. LIST OF PERMITS ISSUED [~~DEPARTMENT'S NOTICE~~  
17 ~~TO COUNTY~~]. The department shall make available on the  
18 department's Internet website a searchable and downloadable list by  
19 county of each [(a) ~~Not later than the 14th day after the date the~~  
20 ~~department issues a~~] permit issued under Section 623.011[~~, the~~  
21 ~~department shall notify the county clerk of each county listed in~~  
22 ~~the application for the permit~~]. The list [~~notice~~] must include the  
23 following information for each permit:

24 (1) the name and address of the person for whom the [~~a~~]  
25 permit was issued; [~~and~~]

26 (2) the vehicle identification number and license  
27 plate number of the vehicle;



1           (3) the permit number; and

2           (4) the effective date of the permit.

3           ~~[(b) The department shall send a copy of the permit and the~~  
4 ~~bond or letter of credit required for the permit with the notice~~  
5 ~~required by this section.]~~

6           SECTION 12. Section 623.015, Transportation Code, is  
7 amended to read as follows:

8           Sec. 623.015. LIABILITY FOR DAMAGE. ~~[(a) The liability of~~  
9 ~~a holder of a permit issued under Section 623.011 for damage to a~~  
10 ~~state road or highway or a county road is not limited to the amount~~  
11 ~~of the bond or letter of credit required for the issuance of the~~  
12 ~~permit.~~

13           ~~[(b)]~~ The holder of a permit issued under Section 623.011  
14 ~~[who has filed the bond or letter of credit required for the permit~~  
15 ~~and who has filed the notice required by Section 623.013]~~ is liable  
16 to the county only for the actual damage to a county road, bridge,  
17 or culvert with a load limitation established under Subchapter B of  
18 Chapter 621 or Section 621.301 caused by the operation of the  
19 vehicle in excess of the limitation. If a county judge, county  
20 commissioner, county road supervisor, or county traffic officer  
21 requires the vehicle to travel over a designated route, it is  
22 presumed that the designated route, including a bridge or culvert  
23 on the route, is of sufficient strength and design to carry and  
24 withstand the weight of the vehicle traveling over the designated  
25 route.

26           SECTION 13. Sections 623.0171(b) and (e), Transportation  
27 Code, are amended to read as follows:

1 (b) The department may issue a permit that authorizes the  
2 operation of a ready-mixed concrete truck in the manner prescribed  
3 by Section 622.012(b) [~~with three axles~~].

4 (e) When the department issues a permit under this section,  
5 the department shall issue a sticker to be placed on the front  
6 windshield of the vehicle [~~above the inspection certificate issued~~  
7 ~~to the vehicle~~]. The department shall design the form of the  
8 sticker to aid in the enforcement of weight limits for vehicles.

9 SECTION 14. Section 623.018(d), Transportation Code, is  
10 amended to read as follows:

11 (d) If a vehicle is being operated in compliance with a  
12 permit issued under Section 623.011 or 623.402, a commissioners  
13 court may not:

14 (1) issue a permit under this section or charge an  
15 additional fee for or otherwise regulate or restrict the operation  
16 of the vehicle because of weight; or

17 (2) require the owner or operator to:

18 (A) execute or comply with a road use agreement  
19 or indemnity agreement;

20 (B) make a filing or application; or

21 (C) provide a bond or letter of credit [~~other~~  
22 ~~than the bond or letter of credit prescribed by Section 623.012 for~~  
23 ~~a vehicle issued a permit under Section 623.011~~].

24 SECTION 15. Sections 623.071(a), (c), and (c-1),  
25 Transportation Code, are amended to read as follows:

26 (a) The department may issue a permit to allow the operation  
27 on [~~a person to operate over~~] a state highway of [~~superheavy or~~

1 ~~oversize~~] equipment that exceeds the weight and size limits  
2 provided by law for the movement of equipment [+

3 ~~[(1) is used to transport cylindrically shaped bales of~~  
4 ~~hay]~~ or a commodity that cannot reasonably be dismantled[~~+~~ and

5 ~~[(2) has a gross weight or size that exceeds the limits~~  
6 ~~allowed by law to be transported over a state highway].~~

7 (c) The department may issue an annual permit to allow the  
8 operation on a state highway of equipment that exceeds weight and  
9 size limits provided by law for the movement of:

10 (1) an implement of husbandry by a dealer;

11 (2) water well drilling machinery and equipment or  
12 harvesting equipment being moved as part of an agricultural  
13 operation; or

14 (3) [~~superheavy or oversize~~] equipment or a commodity  
15 that:

16 (A) cannot reasonably be dismantled; and

17 (B) does not exceed:

18 (i) 12 feet in width;

19 (ii) 14 feet in height;

20 (iii) 110 feet in length; or

21 (iv) 120,000 pounds gross weight.

22 (c-1) The department may issue an annual permit that allows  
23 a person to operate over a state highway or road a vehicle or  
24 combination of vehicles transporting a load that cannot reasonably  
25 be dismantled that exceeds the length and height limits provided by  
26 law, except that:

27 (1) the maximum length allowed may not exceed 110

1 feet; and

2 (2) the maximum height allowed may not exceed 14 feet.

3 SECTION 16. Section 623.0711(g), Transportation Code, as  
4 amended by Chapters 1135 (H.B. 2741) and 1287 (H.B. 2202), Acts of  
5 the 83rd Legislature, Regular Session, 2013, is reenacted to read  
6 as follows:

7 (g) An application for a permit under this section must be  
8 accompanied by the permit fee established by the department, in  
9 consultation with the commission, for the permit, not to exceed  
10 \$9,000. The department shall send each fee to the comptroller, who  
11 shall deposit:

12 (1) 90 percent of the fee to the credit of the state  
13 highway fund; and

14 (2) 10 percent of the fee to the credit of the Texas  
15 Department of Motor Vehicles fund.

16 SECTION 17. Section 623.075, Transportation Code, is  
17 amended to read as follows:

18 Sec. 623.075. ADDITIONAL REQUIREMENTS FOR ISSUANCE OF  
19 PERMIT [BOND]. (a) Except as provided by Subsection (b), [Before]  
20 the department may issue a permit under this subchapter only to an[  
21 the] applicant registered under Chapter 643 [shall file with the  
22 department a bond in an amount set by the Texas Department of  
23 Transportation, payable to the Texas Department of Transportation,  
24 and conditioned that the applicant will pay to the Texas Department  
25 of Transportation any damage that might be sustained to the highway  
26 because of the operation of the equipment for which a permit is  
27 issued].

1 (b) Subsection (a) [~~Venue of a suit for recovery on the bond~~  
2 ~~is in Travis County.~~

3 [~~(c) This section applies to the delivery of farm equipment~~  
4 ~~to a farm equipment dealer. This section]~~ does not apply to a  
5 permit for:

6 (1) the driving or transporting of farm equipment that  
7 is being used for an agricultural purpose and is driven or  
8 transported by or under the authority of the owner of the equipment;  
9 or

10 (2) a vehicle or equipment that is not subject to  
11 [~~operated by a motor carrier registered under]~~ Chapter 643 or  
12 Chapter 645.

13 (c) Before the department issues a permit under this  
14 subchapter for a vehicle or equipment described by Subsection  
15 (b)(2), the applicant shall file with the department a bond in an  
16 amount set by the Texas Department of Transportation, payable to  
17 the Texas Department of Transportation, and conditioned that the  
18 applicant will pay to the Texas Department of Transportation any  
19 damage that might be sustained to the highway because of the  
20 operation of the vehicle or equipment for which a permit is issued.  
21 Venue of a suit for recovery on the bond is in Travis County.

22 SECTION 18. Subchapter E, Chapter 623, Transportation Code,  
23 is amended by adding Section 623.0975 to read as follows:

24 Sec. 623.0975. LIST OF PERMITS ISSUED. The department  
25 shall make available on the department's Internet website a  
26 searchable and downloadable list by county of each permit issued  
27 under this subchapter. The list must include the following

1 information for each permit:

2 (1) the permit number and issue date of the permit;

3 (2) the name of the person for whom the permit was  
4 issued;

5 (3) the length, width, and height of the manufactured  
6 house and the towing vehicle in combination;

7 (4) the name of the owner of the house;

8 (5) the model and year of manufacture of the house;

9 (6) the complete identification or serial number, the  
10 United States Department of Housing and Urban Development label  
11 number, or the state seal number of the house; and

12 (7) the origin county and address and destination  
13 county and address of the house.

14 SECTION 19. Section 623.322(a), Transportation Code, is  
15 amended to read as follows:

16 (a) To qualify for a permit under this subchapter for a  
17 vehicle or combination of vehicles, a person must:

18 (1) pay a permit fee of \$900; and

19 (2) designate in the permit application the timber  
20 producing counties described by Section 623.321(a) in which the  
21 vehicle or combination of vehicles will be operated[~~, and~~

22 [~~(3) satisfy the security requirement of Section~~  
23 ~~623.012]~~.

24 SECTION 20. Sections 623.323(b) and (e), Transportation  
25 Code, are amended to read as follows:

26 (b) Before a vehicle or combination of vehicles for which a  
27 permit is issued under this subchapter may be operated on a road

1 maintained by a county or a state highway, the financially  
2 responsible party shall execute a notification document and agree  
3 to reimburse the county or the state, as applicable, for damage to a  
4 road or highway sustained as a consequence of the transportation  
5 authorized by the permit. At a minimum, the notification document  
6 must include:

7 (1) the name and address of the financially  
8 responsible party;

9 (2) a description of each permit issued for the  
10 vehicle or combination of vehicles;

11 (3) a description of the method of compliance by the  
12 financially responsible party with Section [~~Sections~~] 601.051,  
13 643.101, or 643.102 [~~and 623.012~~];

14 (4) the address or location of the geographic area in  
15 which the financially responsible party wishes to operate a vehicle  
16 or combination of vehicles and a designation of the specific route  
17 of travel anticipated by the financially responsible party,  
18 including the name or number of each road maintained by a county or  
19 state highway;

20 (5) a calendar or schedule of duration that includes  
21 the days and hours of operation during which the financially  
22 responsible party reasonably anticipates using the county road or  
23 state highway identified in Subdivision (4); and

24 (6) a list of each vehicle or combination of vehicles  
25 by license plate number or other registration information, and a  
26 description of the means by which financial responsibility is  
27 established for each vehicle or combination of vehicles if each

1 vehicle or combination of vehicles is not covered by a single  
2 insurance policy, surety bond, deposit, or other means of financial  
3 assurance.

4 (e) The state or a county required to be notified under this  
5 section may assert a claim against any [~~security posted under~~  
6 ~~Section 623.012 or~~] insurance filed under Section 643.103 for  
7 damage to a road or highway sustained as a consequence of the  
8 transportation authorized by the permit.

9 SECTION 21. Section 643.059(c), Transportation Code, is  
10 amended to read as follows:

11 (c) A motor carrier required to register under this  
12 subchapter must keep the cab card, in a manner prescribed by the  
13 department, in the cab of each vehicle requiring registration the  
14 carrier operates.

15 SECTION 22. Section 643.103(b), Transportation Code, is  
16 amended to read as follows:

17 (b) A motor carrier shall keep evidence of insurance in a  
18 manner prescribed [~~form approved~~] by the department in the cab of  
19 each vehicle requiring registration the carrier operates.

20 SECTION 23. Section 643.253(a), Transportation Code, is  
21 amended to read as follows:

22 (a) A person commits an offense if the person fails to:  
23 (1) register as required by Subchapter B;  
24 (2) maintain insurance or evidence of financial  
25 responsibility as required by Subchapter C; or  
26 (3) keep a cab card in the cab of a vehicle as required  
27 by Section 643.059 or comply with an alternative method to the cab



1 card established by the department under Section 643.059(e).

2 SECTION 24. Section 1001.002(b), Transportation Code, is  
3 amended to read as follows:

4 (b) In addition to the other duties required of the Texas  
5 Department of Motor Vehicles, the department shall administer and  
6 enforce:

7 (1) Subtitle A;

8 (2) Chapters 621, 622, 623, 642, 643, 645, [~~646~~] and  
9 648; and

10 (3) Chapters 2301 and 2302, Occupations Code.

11 SECTION 25. The following provisions of the Transportation  
12 Code are repealed:

13 (1) Sections 623.012 and 623.016;

14 (2) Section 623.0711(f);

15 (3) Section 623.093(e); and

16 (4) Chapter 646.

17 SECTION 26. The repeal by this Act of Chapter 646,  
18 Transportation Code, does not apply to an offense committed under  
19 that chapter before the effective date of the repeal. An offense  
20 committed before the effective date of the repeal is governed by the  
21 law as it existed on the date the offense was committed, and the  
22 former law is continued in effect for that purpose. For purposes of  
23 this section, an offense was committed before the effective date of  
24 the repeal if any element of the offense occurred before that date.

25 SECTION 27. This Act takes effect September 1, 2021.