

By: Seliger
(Martinez)

S.B. No. 1814

A BILL TO BE ENTITLED

AN ACT

relating to oversize and overweight vehicle permits.

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

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

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

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

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

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

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

SECTION 2. Section 623.0112, Transportation Code, is amended to read as follows:

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

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

5 SECTION 3. Section 623.012(b), Transportation Code, is
6 amended to read as follows:

7 (b) The bond or letter of credit must:

8 (1) be in the amount of \$15,000 payable to [~~the Texas~~
9 ~~Department of Transportation and~~] the counties of this state;

10 (2) be conditioned that the applicant will pay [~~the~~
11 ~~Texas Department of Transportation for any damage to a state~~
12 ~~highway, and~~] a county for any damage to a road or bridge of the
13 county[~~7~~] caused by the operation of the vehicle:

14 (A) for which the permit is issued at a heavier
15 weight than the maximum weights authorized by Subchapter B of
16 Chapter 621 or Section 621.301 or 623.321; or

17 (B) that is in violation of Section 623.323; and

18 (3) provide that the issuer is to notify the county
19 [~~Texas Department of Transportation~~] and the applicant in writing
20 promptly after a payment is made by the issuer on the bond or letter
21 of credit.

22 SECTION 4. Section 623.013, Transportation Code, is amended
23 to read as follows:

24 Sec. 623.013. LIST OF PERMITS ISSUED [~~DEPARTMENT'S NOTICE~~
25 ~~TO COUNTY~~]. (a) The department shall make available on the
26 department's Internet website a searchable and downloadable list by
27 county of each [~~Not later than the 14th day after the date the~~

1 ~~department issues a~~ permit issued under Section 623.011[~~, the~~
2 ~~department shall notify the county clerk of each county listed in~~
3 ~~the application for the permit~~]. The list [~~notice~~] must include the
4 following information for each permit:

- 5 (1) the name and address of the person for whom the [~~a~~]
- 6 permit was issued; [~~and~~]
- 7 (2) the vehicle identification number and license
- 8 plate number of the vehicle;
- 9 (3) the permit number; and
- 10 (4) the effective date of the permit.

11 (b) On request of a county, the [~~The~~] department shall send
12 a copy of the permit and the bond or letter of credit required for
13 the permit to the county [~~with the notice required by this section~~].

14 SECTION 5. Section 623.015, Transportation Code, is amended
15 to read as follows:

16 Sec. 623.015. LIABILITY FOR DAMAGE. (a) The liability of a
17 holder of a permit issued under Section 623.011 for damage to [~~a~~
18 ~~state road or highway or~~] a county road is not limited to the amount
19 of the bond or letter of credit required for the issuance of the
20 permit.

21 (b) The holder of a permit issued under Section 623.011 who
22 has filed the bond or letter of credit required for the permit [~~and~~
23 ~~who has filed the notice required by Section 623.013~~] is liable to
24 the county only for the actual damage to a county road, bridge, or
25 culvert with a load limitation established under Subchapter B of
26 Chapter 621 or Section 621.301 caused by the operation of the
27 vehicle in excess of the limitation. If a county judge, county

1 commissioner, county road supervisor, or county traffic officer
2 requires the vehicle to travel over a designated route, it is
3 presumed that the designated route, including a bridge or culvert
4 on the route, is of sufficient strength and design to carry and
5 withstand the weight of the vehicle traveling over the designated
6 route.

7 SECTION 6. Section 623.016, Transportation Code, is amended
8 to read as follows:

9 Sec. 623.016. RECOVERY ON PERMIT SECURITY. (a) A [~~The~~
10 ~~Texas Department of Transportation or a~~] county may recover on the
11 bond or letter of credit required for a permit issued under Section
12 623.011 only by a suit against the permit holder and the issuer of
13 the bond or letter of credit.

14 (b) [~~Venue for a suit by the Texas Department of~~
15 ~~Transportation is in a district court in:~~

16 [~~(1) the county in which the defendant resides;~~

17 [~~(2) the county in which the defendant has its~~
18 ~~principal place of business in this state if the defendant is a~~
19 ~~corporation or partnership; or~~

20 [~~(3) Travis County if the defendant is a corporation~~
21 ~~or partnership that does not have a principal place of business in~~
22 ~~this state.~~

23 [~~(c)~~] Venue for a suit under this section [~~by a county~~] is in
24 district court in:

25 (1) the county in which the defendant resides;

26 (2) the county in which the defendant has its
27 principal place of business in this state; or

1 (3) the county in which the damage occurred.

2 SECTION 7. Section 623.0711(g), Transportation Code, as
3 amended by Chapters 1135 (H.B. 2741) and 1287 (H.B. 2202), Acts of
4 the 83rd Legislature, Regular Session, 2013, is reenacted to read
5 as follows:

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

11 (1) 90 percent of the fee to the credit of the state
12 highway fund; and

13 (2) 10 percent of the fee to the credit of the Texas
14 Department of Motor Vehicles fund.

15 SECTION 8. Section 623.075, Transportation Code, is amended
16 to read as follows:

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

27 (b) Subsection (a) [Venue of a suit for recovery on the bond

1 ~~is in Travis County.~~

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

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

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

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

21 SECTION 9. Subchapter E, Chapter 623, Transportation Code,
22 is amended by adding Section 623.0975 to read as follows:

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

- 1 (1) the permit number and issue date of the permit;
- 2 (2) the name of the person for whom the permit was
3 issued;
- 4 (3) the length, width, and height of the manufactured
5 house and the towing vehicle in combination;
- 6 (4) the name of the owner of the house;
- 7 (5) the model and year of manufacture of the house;
- 8 (6) the complete identification or serial number, the
9 United States Department of Housing and Urban Development label
10 number, or the state seal number of the house; and
- 11 (7) the origin county and address and destination
12 county and address of the house.

13 SECTION 10. Section 623.323(b), Transportation Code, is
14 amended to read as follows:

15 (b) Before a vehicle or combination of vehicles for which a
16 permit is issued under this subchapter may be operated on a road
17 maintained by a county or a state highway, the financially
18 responsible party shall execute a notification document and agree
19 to reimburse the county or the state, as applicable, for damage to a
20 road or highway sustained as a consequence of the transportation
21 authorized by the permit. At a minimum, the notification document
22 must include:

- 23 (1) the name and address of the financially
24 responsible party;
- 25 (2) a description of each permit issued for the
26 vehicle or combination of vehicles;
- 27 (3) a description of the method of compliance by the

1 financially responsible party with Section [~~Sections~~] 601.051,
2 [~~and~~] 623.012, 643.101, or 643.102;

3 (4) the address or location of the geographic area in
4 which the financially responsible party wishes to operate a vehicle
5 or combination of vehicles and a designation of the specific route
6 of travel anticipated by the financially responsible party,
7 including the name or number of each road maintained by a county or
8 state highway;

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

13 (6) a list of each vehicle or combination of vehicles
14 by license plate number or other registration information, and a
15 description of the means by which financial responsibility is
16 established for each vehicle or combination of vehicles if each
17 vehicle or combination of vehicles is not covered by a single
18 insurance policy, surety bond, deposit, or other means of financial
19 assurance.

20 SECTION 11. The following provisions of the Transportation
21 Code are repealed:

22 (1) Section 623.0711(f); and

23 (2) Section 623.093(e).

24 SECTION 12. This Act takes effect September 1, 2021.