

By: Seliger

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 623.011(b), Transportation Code, is amended to read as follows:

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

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

~~(2) [the security requirement of Section 623.012 must~~

1 ~~be satisfied, and~~

2 [~~3~~] a base permit fee of \$90, any additional fee
3 required by Section 623.0111, and any additional fee set by the
4 board under Section 623.0112 must be paid.

5 SECTION 3. Section 623.0112, Transportation Code, is
6 amended to read as follows:

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

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

16 SECTION 4. Section 623.013, Transportation Code, is amended
17 to read as follows:

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

- 26 (1) the name and address of the person for whom the [~~a~~]
27 permit was issued; [~~and~~]

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

3 (3) the permit number; and

4 (4) the effective date of the permit.

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

8 SECTION 5. Section 623.015, Transportation Code, is amended
9 to read as follows:

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

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

1 SECTION 6. Section 623.018(d), Transportation Code, is
2 amended to read as follows:

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

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

9 (2) require the owner or operator to:

10 (A) execute or comply with a road use agreement
11 or indemnity agreement;

12 (B) make a filing or application; or

13 (C) provide a bond or letter of credit~~[, other~~
14 ~~than the bond or letter of credit prescribed by Section 623.012 for~~
15 ~~a vehicle issued a permit under Section 623.011]~~.

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

20 (g) An application for a permit under this section must be
21 accompanied by the permit fee established by the department, in
22 consultation with the commission, for the permit, not to exceed
23 \$9,000. The department shall send each fee to the comptroller, who
24 shall deposit:

25 (1) 90 percent of the fee to the credit of the state
26 highway fund; and

27 (2) 10 percent of the fee to the credit of the Texas

1 Department of Motor Vehicles fund.

2 SECTION 8. Section 623.075, Transportation Code, is amended
3 to read as follows:

4 Sec. 623.075. ADDITIONAL REQUIREMENTS FOR ISSUANCE OF
5 PERMIT [~~BOND~~]. (a) Except as provided by Subsection (b), [~~Before~~]
6 the department may issue a permit under this subchapter only to an[~~r~~
7 ~~the~~] applicant registered under Chapter 643 [~~shall file with the~~
8 ~~department a bond in an amount set by the Texas Department of~~
9 ~~Transportation, payable to the Texas Department of Transportation,~~
10 ~~and conditioned that the applicant will pay to the Texas Department~~
11 ~~of Transportation any damage that might be sustained to the highway~~
12 ~~because of the operation of the equipment for which a permit is~~
13 ~~issued~~].

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

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

19 (1) the driving or transporting of farm equipment that
20 is being used for an agricultural purpose and is driven or
21 transported by or under the authority of the owner of the equipment;
22 or

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

26 (c) Before the department issues a permit under this
27 subchapter for a vehicle or equipment described by Subsection

1 (b)(2), the applicant shall file with the department a bond in an
2 amount set by the Texas Department of Transportation, payable to
3 the Texas Department of Transportation, and conditioned that the
4 applicant will pay to the Texas Department of Transportation any
5 damage that might be sustained to the highway because of the
6 operation of the vehicle or equipment for which a permit is issued.
7 Venue of a suit for recovery on the bond is in Travis County.

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

10 Sec. 623.0975. LIST OF PERMITS ISSUED. The department
11 shall make available on the department's Internet website a
12 searchable and downloadable list by county of each permit issued
13 under this subchapter. The list must include the following
14 information for each permit:

15 (1) the permit number and issue date of the permit;
16 (2) the name of the person for whom the permit was
17 issued;

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

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

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

22 (6) the complete identification or serial number, the
23 United States Department of Housing and Urban Development label
24 number, or the state seal number of the house; and

25 (7) the origin county and address and destination
26 county and address of the house.

27 SECTION 10. Section 623.322(a), Transportation Code, is

1 amended to read as follows:

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

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

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

8 [~~(3) satisfy the security requirement of Section~~
9 ~~623.012]~~.

10 SECTION 11. Sections 623.323(b) and (e), Transportation
11 Code, are amended to read as follows:

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

20 (1) the name and address of the financially
21 responsible party;

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

24 (3) a description of the method of compliance by the
25 financially responsible party with Section [~~Sections~~] 601.051,
26 643.101, or 643.102 [~~and 623.012~~];

27 (4) the address or location of the geographic area in

1 which the financially responsible party wishes to operate a vehicle
2 or combination of vehicles and a designation of the specific route
3 of travel anticipated by the financially responsible party,
4 including the name or number of each road maintained by a county or
5 state highway;

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

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

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

22 SECTION 12. The following provisions of the Transportation
23 Code are repealed:

- 24 (1) Sections 623.012 and 623.016;
25 (2) Section 623.0711(f); and
26 (3) Section 623.093(e).

27 SECTION 13. This Act takes effect September 1, 2021.