

1-1 By: Seliger S.B. No. 1814
 1-2 (In the Senate - Filed March 12, 2021; March 26, 2021, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 19, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Nichols	X		
1-10	Seliger	X		
1-11	Alvarado	X		
1-12	Blanco	X		
1-13	Hancock	X		
1-14	Hinojosa	X		
1-15	Kolkhorst	X		
1-16	Perry	X		
1-17	West	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1814 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to oversize and overweight vehicle permits.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Sections 1201.161(c), (d), and (e), Occupations
 1-24 Code, are amended to read as follows:
 1-25 (c) The Texas Department of Motor Vehicles shall provide to
 1-26 ~~send~~ the department monthly ~~+~~
 1-27 ~~[(1) a copy of each permit issued in the preceding~~
 1-28 ~~month for the movement of manufactured housing on the highways, or~~
 1-29 ~~[(2)] a list of the permits issued in the preceding~~
 1-30 month and the information on the permits.
 1-31 (d) Unless the information provided for in Subsection (c) is
 1-32 provided electronically, the department shall pay the reasonable
 1-33 cost of providing ~~the copies or~~ the list and information under
 1-34 Subsection (c).
 1-35 (e) The ~~copies and~~ lists to be provided under this section
 1-36 may be provided electronically.
 1-37 SECTION 2. Section 623.0112, Transportation Code, is
 1-38 amended to read as follows:
 1-39 Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a
 1-40 person applies for a permit under Section 623.011, the person must
 1-41 pay in addition to other fees an administrative fee adopted by board
 1-42 rule in an amount not to exceed the direct and indirect cost to the
 1-43 department of:
 1-44 (1) issuing a sticker under Section 623.011(d);
 1-45 (2) distributing fees under Section 621.353; and
 1-46 (3) maintaining the list ~~[notifying counties]~~ under
 1-47 Section 623.013.
 1-48 SECTION 3. Section 623.012(b), Transportation Code, is
 1-49 amended to read as follows:
 1-50 (b) The bond or letter of credit must:
 1-51 (1) be in the amount of \$15,000 payable to ~~the Texas~~
 1-52 ~~Department of Transportation and~~ the counties of this state;
 1-53 (2) be conditioned that the applicant will pay ~~the~~
 1-54 ~~Texas Department of Transportation for any damage to a state~~
 1-55 ~~highway, and~~ a county for any damage to a road or bridge of the
 1-56 county ~~[-]~~ caused by the operation of the vehicle:
 1-57 (A) for which the permit is issued at a heavier
 1-58 weight than the maximum weights authorized by Subchapter B of
 1-59 Chapter 621 or Section 621.301 or 623.321; or
 1-60 (B) that is in violation of Section 623.323; and

2-1 (3) provide that the issuer is to notify the county
2-2 [~~Texas Department of Transportation~~] and the applicant in writing
2-3 promptly after a payment is made by the issuer on the bond or letter
2-4 of credit.

2-5 SECTION 4. Section 623.013, Transportation Code, is amended
2-6 to read as follows:

2-7 Sec. 623.013. LIST OF PERMITS ISSUED [~~DEPARTMENT'S NOTICE~~
2-8 ~~TO COUNTY~~]. (a) The department shall make available on the
2-9 department's Internet website a searchable and downloadable list by
2-10 county of each [~~Not later than the 14th day after the date the~~
2-11 ~~department issues a~~] permit issued under Section 623.011[~~, the~~
2-12 ~~department shall notify the county clerk of each county listed in~~
2-13 ~~the application for the permit~~]. The list [~~notice~~] must include the
2-14 following information for each permit:

2-15 (1) the name and address of the person for whom the [~~a~~]
2-16 permit was issued; [~~and~~]

2-17 (2) the vehicle identification number and license
2-18 plate number of the vehicle;

2-19 (3) the permit number; and

2-20 (4) the effective date of the permit.

2-21 (b) On request of a county, the [~~The~~] department shall send
2-22 a copy of the permit and the bond or letter of credit required for
2-23 the permit to the county [~~with the notice required by this section~~].

2-24 SECTION 5. Section 623.015, Transportation Code, is amended
2-25 to read as follows:

2-26 Sec. 623.015. LIABILITY FOR DAMAGE. (a) The liability of a
2-27 holder of a permit issued under Section 623.011 for damage to [~~a~~
2-28 ~~state road or highway or~~] a county road is not limited to the amount
2-29 of the bond or letter of credit required for the issuance of the
2-30 permit.

2-31 (b) The holder of a permit issued under Section 623.011 who
2-32 has filed the bond or letter of credit required for the permit [~~and~~
2-33 ~~who has filed the notice required by Section 623.013~~] is liable to
2-34 the county only for the actual damage to a county road, bridge, or
2-35 culvert with a load limitation established under Subchapter B of
2-36 Chapter 621 or Section 621.301 caused by the operation of the
2-37 vehicle in excess of the limitation. If a county judge, county
2-38 commissioner, county road supervisor, or county traffic officer
2-39 requires the vehicle to travel over a designated route, it is
2-40 presumed that the designated route, including a bridge or culvert
2-41 on the route, is of sufficient strength and design to carry and
2-42 withstand the weight of the vehicle traveling over the designated
2-43 route.

2-44 SECTION 6. Section 623.016, Transportation Code, is amended
2-45 to read as follows:

2-46 Sec. 623.016. RECOVERY ON PERMIT SECURITY. (a) A [~~The~~
2-47 ~~Texas Department of Transportation or a~~] county may recover on the
2-48 bond or letter of credit required for a permit issued under Section
2-49 623.011 only by a suit against the permit holder and the issuer of
2-50 the bond or letter of credit.

2-51 (b) [~~Venue for a suit by the Texas Department of~~
2-52 ~~Transportation is in a district court in:~~

2-53 (1) ~~the county in which the defendant resides;~~

2-54 (2) ~~the county in which the defendant has its~~
2-55 ~~principal place of business in this state if the defendant is a~~
2-56 ~~corporation or partnership; or~~

2-57 (3) ~~Travis County if the defendant is a corporation~~
2-58 ~~or partnership that does not have a principal place of business in~~
2-59 ~~this state.~~

2-60 [~~(c)~~] Venue for a suit under this section [~~by a county~~] is in
2-61 district court in:

2-62 (1) the county in which the defendant resides;

2-63 (2) the county in which the defendant has its
2-64 principal place of business in this state; or

2-65 (3) the county in which the damage occurred.

2-66 SECTION 7. Section 623.0711(g), Transportation Code, as
2-67 amended by Chapters 1135 (H.B. 2741) and 1287 (H.B. 2202), Acts of
2-68 the 83rd Legislature, Regular Session, 2013, is reenacted to read
2-69 as follows:

3-1 (g) An application for a permit under this section must be
3-2 accompanied by the permit fee established by the department, in
3-3 consultation with the commission, for the permit, not to exceed
3-4 \$9,000. The department shall send each fee to the comptroller, who
3-5 shall deposit:

- 3-6 (1) 90 percent of the fee to the credit of the state
3-7 highway fund; and
- 3-8 (2) 10 percent of the fee to the credit of the Texas
3-9 Department of Motor Vehicles fund.

3-10 SECTION 8. Section 623.075, Transportation Code, is amended
3-11 to read as follows:

3-12 Sec. 623.075. ADDITIONAL REQUIREMENTS FOR ISSUANCE OF
3-13 PERMIT ~~[BOND]~~. (a) Except as provided by Subsection (b), [Before]
3-14 the department may issue a permit under this subchapter only to an[~~r~~
3-15 the] applicant registered under Chapter 643 [~~shall file with the~~
3-16 department a bond in an amount set by the Texas Department of
3-17 Transportation, payable to the Texas Department of Transportation,
3-18 and conditioned that the applicant will pay to the Texas Department
3-19 of Transportation any damage that might be sustained to the highway
3-20 because of the operation of the equipment for which a permit is
3-21 issued].

3-22 (b) Subsection (a) [Venue of a suit for recovery on the bond
3-23 is in Travis County.

3-24 [~~(c) This section applies to the delivery of farm equipment~~
3-25 ~~to a farm equipment dealer. This section]~~ does not apply to a
3-26 permit for:

3-27 (1) the driving or transporting of farm equipment that
3-28 is being used for an agricultural purpose and is driven or
3-29 transported by or under the authority of the owner of the equipment;
3-30 or

3-31 (2) a vehicle or equipment that is not subject to
3-32 [operated by a motor carrier registered under] Chapter 643 [~~or~~
3-33 Chapter 645].

3-34 (c) Before the department issues a permit under this
3-35 subchapter for a vehicle or equipment described by Subsection
3-36 (b)(2), the applicant shall file with the department a bond in an
3-37 amount set by the Texas Department of Transportation, payable to
3-38 the Texas Department of Transportation, and conditioned that the
3-39 applicant will pay to the Texas Department of Transportation any
3-40 damage that might be sustained to the highway because of the
3-41 operation of the vehicle or equipment for which a permit is issued.
3-42 Venue of a suit for recovery on the bond is in Travis County.

3-43 SECTION 9. Subchapter E, Chapter 623, Transportation Code,
3-44 is amended by adding Section 623.0975 to read as follows:

3-45 Sec. 623.0975. LIST OF PERMITS ISSUED. The department
3-46 shall make available on the department's Internet website a
3-47 searchable and downloadable list by county of each permit issued
3-48 under this subchapter. The list must include the following
3-49 information for each permit:

3-50 (1) the permit number and issue date of the permit;

3-51 (2) the name of the person for whom the permit was
3-52 issued;

3-53 (3) the length, width, and height of the manufactured
3-54 house and the towing vehicle in combination;

3-55 (4) the name of the owner of the house;

3-56 (5) the model and year of manufacture of the house;

3-57 (6) the complete identification or serial number, the
3-58 United States Department of Housing and Urban Development label
3-59 number, or the state seal number of the house; and

3-60 (7) the origin county and address and destination
3-61 county and address of the house.

3-62 SECTION 10. Section 623.323(b), Transportation Code, is
3-63 amended to read as follows:

3-64 (b) Before a vehicle or combination of vehicles for which a
3-65 permit is issued under this subchapter may be operated on a road
3-66 maintained by a county or a state highway, the financially
3-67 responsible party shall execute a notification document and agree
3-68 to reimburse the county or the state, as applicable, for damage to a
3-69 road or highway sustained as a consequence of the transportation

4-1 authorized by the permit. At a minimum, the notification document
4-2 must include:

4-3 (1) the name and address of the financially
4-4 responsible party;

4-5 (2) a description of each permit issued for the
4-6 vehicle or combination of vehicles;

4-7 (3) a description of the method of compliance by the
4-8 financially responsible party with Section [~~Sections~~] 601.051,
4-9 [~~and~~] 623.012, 643.101, or 643.102;

4-10 (4) the address or location of the geographic area in
4-11 which the financially responsible party wishes to operate a vehicle
4-12 or combination of vehicles and a designation of the specific route
4-13 of travel anticipated by the financially responsible party,
4-14 including the name or number of each road maintained by a county or
4-15 state highway;

4-16 (5) a calendar or schedule of duration that includes
4-17 the days and hours of operation during which the financially
4-18 responsible party reasonably anticipates using the county road or
4-19 state highway identified in Subdivision (4); and

4-20 (6) a list of each vehicle or combination of vehicles
4-21 by license plate number or other registration information, and a
4-22 description of the means by which financial responsibility is
4-23 established for each vehicle or combination of vehicles if each
4-24 vehicle or combination of vehicles is not covered by a single
4-25 insurance policy, surety bond, deposit, or other means of financial
4-26 assurance.

4-27 SECTION 11. The following provisions of the Transportation
4-28 Code are repealed:

4-29 (1) Section 623.0711(f); and

4-30 (2) Section 623.093(e).

4-31 SECTION 12. This Act takes effect September 1, 2021.

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