

By: Lozano

H.B. No. 3934

A BILL TO BE ENTITLED

AN ACT

relating to the operation of vehicles transporting iron or steel products; authorizing a fee.

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

SECTION 1. Section 621.102(d), Transportation Code, is amended to read as follows:

(d) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, ~~[or] 623.321, or 623.451 [as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

SECTION 2. Section 621.301(e), Transportation Code, is amended to read as follows:

(e) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, ~~[or] 623.321, or 623.451 [as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section.

SECTION 3. Sections 623.012(a) and (b), Transportation Code, are amended to read as follows:

1 (a) An applicant for a permit under Section 623.011, other  
2 than a permit under that section to operate a vehicle loaded with  
3 timber or pulp wood, wood chips, cotton, or agricultural products  
4 in their natural state, and an applicant for a permit under Section  
5 623.321 or 623.451 shall file with the department:

6 (1) a blanket bond; or

7 (2) an irrevocable letter of credit issued by a  
8 financial institution the deposits of which are guaranteed by the  
9 Federal Deposit Insurance Corporation.

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

11 (1) be in the amount of \$15,000 payable to the counties  
12 of this state;

13 (2) be conditioned that the applicant will pay a  
14 county for any damage to a road or bridge of the county caused by the  
15 operation of the vehicle:

16 (A) for which the permit is issued at a heavier  
17 weight than the maximum weights authorized by Subchapter B of  
18 Chapter 621 or Section 621.301, ~~[or]~~ 623.321, or 623.451; or

19 (B) that is in violation of Section 623.323 or  
20 623.453; and

21 (3) provide that the issuer is to notify the county and  
22 the applicant in writing promptly after a payment is made by the  
23 issuer on the bond or letter of credit.

24 SECTION 4. Chapter 623, Transportation Code, is amended by  
25 adding Subchapter W to read as follows:

26 SUBCHAPTER W. VEHICLES TRANSPORTING IRON OR STEEL PRODUCTS

27 Sec. 623.451. PERMIT. (a) The department may issue a

1 permit under this subchapter, as an alternative to a permit issued  
2 under Section 623.011, authorizing a person to operate a vehicle or  
3 combination of vehicles that is being used to transport indivisible  
4 loads of iron or steel products, including scrap iron and steel and  
5 iron and steel recycling material, in a county producing more than  
6 100,000 tons annually of iron products, steel products, or a  
7 combination of iron and steel products, as determined by the  
8 department, at the weight limits prescribed by Subsection (b).

9 (b) A person may operate over a road or highway a vehicle or  
10 combination of vehicles issued a permit under this section at a  
11 gross weight that is not heavier than 96,000 pounds, if the gross  
12 load carried on any tandem axle of the vehicle or combination of  
13 vehicles does not exceed 44,000 pounds.

14 (c) Section 621.508 does not apply to a vehicle or  
15 combination of vehicles operated under this section.

16 (d) The department shall annually update the number of  
17 counties described by Subsection (a).

18 Sec. 623.452. QUALIFICATION; REQUIREMENTS. (a) To qualify  
19 for a permit under this subchapter for a vehicle or combination of  
20 vehicles, a person must:

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

22 (2) designate in the permit application the counties  
23 described by Section 623.451(a) in which the vehicle or combination  
24 of vehicles will be operated; and

25 (3) satisfy the security requirement of Section  
26 623.012.

27 (b) A permit issued under this subchapter:

1           (1) is valid for one year; and

2           (2) must be carried in the vehicle for which it is  
3 issued.

4           Sec. 623.453. NOTIFICATION. (a) For purposes of this  
5 section, "financially responsible party" means the owner of the  
6 vehicle or combination of vehicles, the party operating the vehicle  
7 or combination of vehicles, or a person that hires, leases, rents,  
8 or subcontracts the vehicle or combination of vehicles for use on a  
9 road maintained by a county or a state highway.

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

18           (1) the name and address of the financially  
19 responsible party;

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

22           (3) a description of the method of compliance by the  
23 financially responsible party with Section 601.051, 623.012,  
24 643.101, or 643.102;

25           (4) the address or location of the geographic area in  
26 which the financially responsible party wishes to operate a vehicle  
27 or combination of vehicles and a designation of the specific route

1 of travel anticipated by the financially responsible party,  
2 including the name or number of each road maintained by a county or  
3 state highway;

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

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

15 (c) A financially responsible party shall electronically  
16 file the notification document described by Subsection (b) with the  
17 department under rules adopted by the department not later than the  
18 second business day before the first business day listed by the  
19 financially responsible party under Subsection (b)(5). The  
20 department shall immediately send an electronic copy of the  
21 notification document to each county identified in the notification  
22 document and the Texas Department of Transportation and an  
23 electronic receipt for the notification document to the financially  
24 responsible party. Not later than the first business day listed by  
25 the financially responsible party under Subsection (b)(5), a county  
26 or the Texas Department of Transportation may inspect a road or  
27 highway identified in the notification document. If an inspection

1 is conducted under this subsection, a county or the Texas  
2 Department of Transportation shall:

3 (1) document the condition of the roads or highways  
4 and take photographs of the roads or highways as necessary to  
5 establish a baseline for any subsequent assessment of damage  
6 sustained by the financially responsible party's use of the roads  
7 or highways; and

8 (2) provide a copy of the documentation to the  
9 financially responsible party.

10 (d) If an inspection has been conducted under Subsection  
11 (c), a county or the Texas Department of Transportation, as  
12 applicable, shall, not later than the fifth business day after the  
13 expiration of the calendar or schedule of duration described by  
14 Subsection (b)(5):

15 (1) conduct an inspection described by Subsection  
16 (c)(1) to determine any damage sustained by the financially  
17 responsible party's use of the roads or highways; and

18 (2) provide a copy of the inspection documentation to  
19 the financially responsible party.

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

25 Sec. 623.454. DISPOSITION OF FEE. Of the fee collected  
26 under Section 623.452 for a permit:

27 (1) 50 percent of the amount collected shall be

1 deposited to the credit of the state highway fund; and

2 (2) the other 50 percent shall be divided equally  
3 among all counties designated in the permit application under  
4 Section 623.452(a)(2).

5 Sec. 623.455. TIME OF MOVEMENT. A permit issued under this  
6 subchapter must specify the time during which movement authorized  
7 by the permit is allowed.

8 Sec. 623.456. SPEED LIMIT. Movement authorized by a permit  
9 issued under this subchapter may not exceed the posted speed limit  
10 or 55 miles per hour, whichever is less. A violation of this  
11 provision constitutes a moving violation.

12 Sec. 623.457. INTERSTATE AND DEFENSE HIGHWAYS. (a) This  
13 subchapter does not authorize the operation on the national system  
14 of interstate and defense highways in this state of a vehicle of a  
15 size or weight greater than those permitted under 23 U.S.C. Section  
16 127.

17 (b) If the United States authorizes the operation on the  
18 national system of interstate and defense highways of a vehicle of a  
19 size or weight greater than those permitted under 23 U.S.C. Section  
20 127 on September 1, 2023, the new limit automatically takes effect  
21 on the national system of interstate and defense highways in this  
22 state.

23 SECTION 5. This Act takes effect September 1, 2023.