

By: Wentworth

S.B. No. 1702

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the commissioners court of a county to
3 regulate the movement of an oversize manufactured house on certain
4 county roads, bridges, or culverts; providing a penalty.

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

6 SECTION 1. Section 623.092, Transportation Code, is
7 amended to read as follows:

8 Sec. 623.092. PERMIT REQUIREMENT. (a) A manufactured
9 house in excess of legal size limits for a motor vehicle may not be
10 moved over a highway, road, or street in this state except in
11 accordance with a permit issued by the department. In a county that
12 requires a permit for the movement of a manufactured house under
13 Section 623.105, a manufactured house in excess of legal size
14 limits for a motor vehicle may not be moved over a county road,
15 bridge, or culvert except in accordance with a permit issued by that
16 county.

17 (b) A [~~county or~~] municipality may not require a permit,
18 bond, fee, or license, in addition to that required by state law,
19 for the movement of a manufactured house.

20 SECTION 2. The heading to Section 623.093, Transportation
21 Code, is amended to read as follows:

22 Sec. 623.093. CONTENTS OF APPLICATION FOR PERMIT FROM
23 DEPARTMENT AND PERMIT.

24 SECTION 3. Section 623.093(a), Transportation Code, is

1 amended to read as follows:

2 (a) The application for a permit from the department and a
3 [~~the~~] permit issued by the department must be in the form prescribed
4 by the department. The permit must show:

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

7 (2) the complete identification or serial number, the
8 Department of Housing and Urban Development label number, or the
9 state seal number of the house;

10 (3) the name of the owner of the house;

11 (4) the location from which the house is being
12 transported;

13 (5) the location to which the house is being
14 transported; and

15 (6) the route for the transportation of the house.

16 SECTION 4. Section 623.094(b), Transportation Code, is
17 amended to read as follows:

18 (b) The license or registration number of the person to whom
19 the department issues the permit [~~is issued~~] shall be affixed to the
20 rear of the manufactured house during transportation and have
21 letters and numbers that are at least eight inches high.

22 SECTION 5. Sections 623.096 and 623.097, Transportation
23 Code, are amended to read as follows:

24 Sec. 623.096. [~~PERMIT~~] FEE FOR PERMIT ISSUED BY DEPARTMENT.

25 (a) The department shall collect a fee of \$20 for each permit
26 issued by the department under this subchapter. Of each fee
27 collected by the department, 30 cents shall be deposited to the

1 credit of the state highway fund.

2 (b) The department shall adopt rules concerning fees for
3 each annual permit issued by the department under Section
4 623.095(c) at a cost not to exceed \$1,500. Two percent of any fee
5 adopted shall be deposited to the credit of the state highway fund.

6 (c) The department may establish an escrow account for the
7 payment of [~~permit~~] fees for a permit issued by the department.

8 Sec. 623.097. DURATION OF PERMIT ISSUED BY DEPARTMENT. A
9 permit issued by the department is valid for a five-day period.

10 SECTION 6. Section 623.098(b), Transportation Code, is
11 amended to read as follows:

12 (b) Each beacon shall be operated during a move under a
13 permit issued by the department and while on a highway, road, or
14 street in this state.

15 SECTION 7. Section 623.100(a), Transportation Code, is
16 amended to read as follows:

17 (a) Movement authorized by a permit issued by the department
18 under this subchapter may be made on any day, except a national
19 holiday, but shall be made only during daylight hours.

20 SECTION 8. Section 623.104, Transportation Code, is
21 amended to read as follows:

22 Sec. 623.104. CIVIL AND GENERAL CRIMINAL PENALTIES. (a) A
23 person commits an offense if the person violates this subchapter.
24 An offense under this subsection is a Class C misdemeanor.

25 (b) A person convicted of an offense under Subsection (a)
26 may also be assessed a civil penalty of not less than \$200 or more
27 than \$500 for failure to:

1 (1) obtain a permit from the department;

2 (2) have a required rotating amber beacon on the
3 manufactured house or towing vehicle;

4 (3) provide a required escort flag vehicle; or

5 (4) have the required insurance.

6 (c) The civil penalty:

7 (1) may be awarded by a court having jurisdiction over
8 a Class C misdemeanor; and

9 (2) shall be paid to the county in which the person was
10 convicted.

11 (d) Subsections (b) and (c) do not apply to an offense under
12 Section 623.105(f).

13 SECTION 9. Subchapter E, Chapter 623, Transportation Code,
14 is amended by adding Section 623.105 to read as follows:

15 Sec. 623.105. COUNTY PERMIT FOR MOVEMENT OF MANUFACTURED
16 HOUSE. (a) The commissioners court of a county may require a
17 permit for the movement of a manufactured house in excess of legal
18 size limits for a motor vehicle over a county road, bridge, or
19 culvert that has a load limitation established under Subchapter B
20 of Chapter 621 or Section 621.301.

21 (b) In a county in which a permit for the movement of a
22 manufactured house is required, a person may not move a
23 manufactured house in excess of legal size limits for a motor
24 vehicle over a county road, bridge, or culvert that has a load
25 limitation established under Subchapter B of Chapter 621 or Section
26 621.301, unless the person:

27 (1) holds a permit issued by the commissioners court

1 of the county or a person designated by the commissioners court that
2 authorizes the movement of the manufactured house in the county;
3 and

4 (2) moves the manufactured house over the route
5 approved by the commissioners court or person designated by the
6 court.

7 (c) The commissioners court of a county may impose a
8 nonrefundable application fee not to exceed \$50 for a permit under
9 Subsection (b).

10 (d) If the person applying for a permit under Subsection (b)
11 holds a permit issued by the department for the movement of the
12 manufactured house, the person's application must be accompanied by
13 a copy of:

14 (1) the permit issued by the department; and

15 (2) any bond or letter of credit required for that
16 permit.

17 (e) A permit issued under Subsection (b) must be:

18 (1) carried in the vehicle moving a manufactured house
19 in the county of issuance; and

20 (2) displayed to any peace officer on the officer's
21 request.

22 (f) A person commits an offense if the person:

23 (1) moves a manufactured house in a county that
24 requires a permit for the movement of the manufactured house:

25 (A) without a permit issued under Subsection (b);

26 or

27 (B) over a route that is not approved for that

1 movement; or

2 (2) fails to carry or display a permit in violation of
3 Subsection (e).

4 (g) An offense under Subsection (f) is a Class C
5 misdemeanor.

6 SECTION 10. This Act takes effect September 1, 2003. The
7 change in law made by this Act applies only to the movement of a
8 manufactured house that occurs on or after that date. The movement
9 of a manufactured house that occurred before September 1, 2003, is
10 governed by the law in effect on the date the movement occurred, and
11 the former law is continued in effect for that purpose.