

## **BILL ANALYSIS**

C.S.H.B. 1822  
By: Kolkhorst  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Because of a lack of enforcement tools, commercial vehicle operators in Texas are allowed to bypass a weigh station if they are aware that their vehicle is in non-compliance and learn that a scale is in operation. If CSHB 1822 is passed, an operator of a commercial vehicle would commit an offense if they failed to stop at a weigh station or knowingly evaded a weigh station. The bill provides law enforcement with a much-needed tool to enforce weight enforcement programs at stationary scales in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Subchapter F, Chapter 621, Transportation Code, is amended by defining "weigh station" in this section as a fixed-site facility with stationary scales operated by the state to enforce vehicle weight limitations. Provides that an operator commits an offense if they do not stop at a weigh station or knowingly evades a weigh station by use of another road or means. Also provides an affirmative defense to prosecution of an offense if a weight enforcement officer directs the operator to bypass the weigh station.

SECTION 2. This Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B 1822 differs in that the original bill described only certain vehicles that the bill would apply to, and in the substitute we instead include a more generic reference to include any type vehicle that is required to stop at a weigh station. The substitute also differs from the original in that it replaces the word "maintained" on line 9 with the word "operated" in order to more broadly include all stationary scales operated by the Department of Public Safety, including those maintained by county governments