

AN ACT

relating to the designation of a weight enforcement officer by a  
commissioners court in certain counties.

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

SECTION 1. Section 621.401, Transportation Code, is amended  
to read as follows:

Sec. 621.401. DEFINITION. In this subchapter, "weight  
enforcement officer" means:

(1) a license and weight inspector of the Department  
of Public Safety;

(2) a highway patrol officer;

(3) a sheriff or sheriff's deputy;

(4) a municipal police officer in a municipality with  
a population of:

(A) 100,000 or more; or

(B) 74,000 or more in a county with a population  
of more than 1.5 million; ~~or~~

(5) a police officer certified under Section 644.101;  
or

(6) a constable or deputy constable designated under  
Section 621.4015.

SECTION 2. Subchapter F, Chapter 621, Transportation Code,  
is amended by adding Section 621.4015 to read as follows:

Sec. 621.4015. DESIGNATION BY COMMISSIONERS COURT. (a) A

1 county commissioners court may designate a constable or deputy  
2 constable of the county as a weight enforcement officer in a county:

3 (1) that is a county with a population of one million  
4 or more and is within 200 miles of an international border; or

5 (2) that is adjacent to a county with a population of  
6 3.3 million or more; and

7 (3) in which a planned community is located that has  
8 20,000 or more acres of land, that was originally established under  
9 the Urban Growth and New Community Development Act of 1970 (42  
10 U.S.C. Section 4501 et seq.), and that is subject to restrictive  
11 covenants containing ad valorem or annual variable budget based  
12 assessments on real property.

13 (b) A constable or deputy constable designated under this  
14 section shall be subject to the requirements of Subchapter C,  
15 Chapter 644, Transportation Code.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 602 was passed by the House on May 13, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 602 on May 27, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 602 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor