

BILL ANALYSIS

C.S.H.B. 3143
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It is difficult to accurately weigh a load of agricultural or forestry products in the field because of the lack of availability of accurate weight measurement devices and the great weight of the harvested products. The water content of such harvested products also varies significantly, causing the weight of a known volume to change. Current law addresses this difficulty by allowing the single axle or tandem axle weight of a load to be as heavy as the maximum authorized axle weight plus 12 percent. This 12 percent tolerance grants a necessary margin on permitted weight, but is confusing because the tolerance applies only to axle weights. The gross weight of the load is distributed onto axles, so for the same reasons that current law permits a tolerance for axle weight, a corresponding tolerance for gross weight should be created.

C.S.H.B. 3143 extends the existing 12 percent weight tolerance to the measurement of a vehicle's gross weight in an effort to reduce the number of trucks on Texas roadways annually, conserve fuel, reduce fuel costs, and reduce carbon emissions. The bill adds certain conditions to the affirmative defense to prosecution for an offense relating to an overweight vehicle and authorizes a vehicle owner to obtain an excessive weight permit from a commissioners court of a county.

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

C.S.H.B. 3143 amends the Transportation Code to modify the affirmative defense to a prosecution or an enforcement action for operating a vehicle over certain maximum allowable weights to include gross weight if at the time of the offense the vehicle had a gross weight that was not heavier than the gross weight authorized by law plus 12 percent. The bill also modifies the affirmative defense to such a prosecution or enforcement to include the following conditions if at the time of the offense such conditions are met: the vehicle was either operated under the written consent of the commissioners court of the county or the owner of the vehicle obtained a permit for excessive axle or gross weight, a bond or letter of credit in the amount of \$30,000 payable to the Texas Department of Transportation and the counties of Texas, an excessive weight permit from the county, and the owner or operator notified the appropriate official at least eight hours before the operation of the vehicle on a county road.

C.S.H.B. 3143 authorizes an owner of a motor vehicle to obtain an excessive weight permit from the commissioners court of a county, through a county judge, that allows the operation of the vehicle described in the permit on the roads in that county and with a gross weight up to 12 percent heavier than the weight authorized by law for that vehicle. The bill prohibits permit fees from exceeding \$500 for such a permit that is valid for any period during which the permit holder operates the vehicle or \$225 for a permit that is valid for one year from the date of issuance. The bill specifies that such a permit is not subject to certain provisions restricting the

number of days a permit is valid and prohibiting certain actions by a commissioners court of a county relating to a county permit. The bill specifies that such a permit does not authorize the operation of an overweight vehicle on a bridge if the weight exceeds a maximum weight limitation established by the Texas Transportation Commission or a commissioners court of a county.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3143 adds a provision not in the original to modify the affirmative defense to prosecution or an enforcement action relating to the operation of an overweight vehicle to include the following conditions if at the time of the offense such conditions are met: the vehicle was either operated under the written consent of the commissioners court of a county or the owner obtained a certain permit or obligation and the owner provides notice to the appropriate official at least eight hours before operation of the vehicle on a county road.

C.S.H.B. 3143 adds a provision not in the original to authorize an owner of a motor vehicle to obtain a permit from the commissioners court of a county allowing for the operation of an overweight vehicle on roads in that county. The substitute sets forth provisions for the fees associated with such a permit, the applicability of certain provisions to the permit, and restrictions on the operation of a vehicle operating under the permit.