

BILL ANALYSIS

C.S.H.B. 4186
By: Jones
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under Transportation Code provisions relating to vehicle size and weight, vehicles loaded with certain agricultural products are allowed to exceed the single axle weight or tandem axle weight authorized by law by 12 percent. Since custom harvesters try to load evenly, the 12 percent allowance on one axle does not allow flexibility in weight on the second axle.

C.S.H.B. 4186 provides as an option for an affirmative defense to prosecution for operating a vehicle loaded with certain agricultural products over the maximum allowable axle weight that the vehicle had, at the time of the offense, a combination of single axle weights and tandem axle weights heavier than the axle authorized by law, so long as each axle weight or tandem axle weight does not exceed the axle weight authorized by law plus six percent.

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. 4186 amends the Transportation Code to provide, as an option for an affirmative defense to prosecution for operating a vehicle loaded with certain agricultural products over the maximum allowable axle weight, that the vehicle had at the time of the offense a combination of single axle weights and tandem axle weights heavier than the axle weight authorized by law, so long as each axle weight or tandem axle weight does not exceed the axle weight authorized by law plus six percent.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4186 differs from the original by providing, as an option, that it is an affirmative defense to prosecution for the offense of operating a vehicle loaded with certain agricultural products with axle weights that exceed the maximum allowable axle weight if, at the time of the offense, the vehicle had a combination of single axle weights and tandem axle weights that does not exceed the axle weight authorized by law plus six percent. The substitute retains current law relating to an affirmative defense for operating a vehicle loaded with certain agricultural products over the maximum allowable axle weight if the vehicle had a single axle weight or tandem axle weight that is not heavier than the axle weight authorized by law plus 12 percent, rather than if the vehicle had a gross axle weight that was not heavier than the weight authorized by law plus 12 percent, as in the original.