

By: Oliveira, Lucio III

H.B. No. 2117

Substitute the following for H.B. No. 2117:

By: Pickett

C.S.H.B. No. 2117

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation and continuation of the law authorizing
3 the issuance of oversize or overweight vehicle permits by certain
4 port authorities.

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

6 SECTION 1. (a) Section 623.214(b), Transportation Code,
7 is amended to read as follows:

8 (b) Fees collected under Subsection (a), less
9 administrative costs, shall be used solely to provide funds for the
10 maintenance and improvement of state highways subject to this
11 subchapter. The [payments provided for under Section 623.213 less]
12 administrative costs, which may [~~shall~~] not exceed 15 percent of
13 the fees collected, may be retained by the port authority. The
14 [Such] fees, less administrative costs, shall be deposited in the
15 State Highway Fund [6].

16 (b) Sections 623.213 and 623.219, Transportation Code, are
17 repealed.

18 SECTION 2. Subchapter K, Chapter 623, Transportation Code,
19 is reenacted and amended to read as follows:

20 SUBCHAPTER K. PORT AUTHORITY PERMITS

21 Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides
22 an optional procedure for the issuance of a permit for the movement
23 of oversize or overweight vehicles carrying cargo on state highways
24 located in counties contiguous to the Gulf of Mexico or a bay or

1 inlet opening into the gulf and bordering the United Mexican
2 States.

3 Sec. 623.211. DEFINITION. In this subchapter, "port
4 authority" means a port authority created or operating under
5 Section 52, Article III, or Section 59, Article XVI, Texas
6 Constitution.

7 Sec. 623.212. PERMITS BY PORT AUTHORITY. The department
8 may authorize a port authority to issue permits for the movement of
9 oversize or overweight vehicles carrying cargo on state highways
10 located in counties contiguous to the Gulf of Mexico or a bay or
11 inlet opening into the gulf and bordering the United Mexican
12 States.

13 Sec. 623.213. [~~MAINTENANCE CONTRACTS. A port authority~~
14 ~~issuing permits under this subchapter shall make payments to the~~
15 ~~department to provide funds for the maintenance of state highways~~
16 ~~subject to this subchapter.~~

17 [~~Sec. 623.214.~~] PERMIT FEES. (a) A port authority may
18 collect a fee for permits issued under this subchapter. The [Such]
19 fees may [shall] not exceed \$80 per trip.

20 (b) Fees collected under Subsection (a), less
21 administrative costs, shall be used solely to provide funds for the
22 maintenance and improvement of state highways subject to this
23 chapter. The [payments provided for under Section 623.213 less]
24 administrative costs, which may [shall] not exceed 15 percent of
25 the fees collected, may be retained by the port authority. The
26 [Such] fees, less administrative costs, shall be deposited in the
27 State Highway Fund [~~6~~].

1 Sec. 623.214 [~~623.215~~]. PERMIT REQUIREMENTS. (a) A permit
2 issued under this subchapter must include:

3 (1) the name of the applicant;

4 (2) the date of issuance;

5 (3) the signature of the director of the port
6 authority;

7 (4) a statement of the kind of cargo being transported
8 over State Highways 48 and 4 between the Gateway International
9 Bridge and the entrance to the Port of Brownsville, or over State
10 Highways 48 and 4 and United States Highways 77 and 83 between
11 Veterans International Bridge at Los Tomates and the entrance to
12 the Port of Brownsville, the maximum weight and dimensions of the
13 equipment, and the kind and weight of each commodity to be
14 transported provided the gross weight of such equipment and
15 commodities shall not exceed 125,000 pounds;

16 (5) a statement of any condition on which the permit is
17 issued;

18 (6) a statement that the cargo shall be transported
19 over the most direct route from the Gateway International Bridge or
20 the Veterans International Bridge at Los Tomates to the entrance of
21 the Port of Brownsville using State Highways 48 and 4 or United
22 States Highways 77 and 83;

23 (7) the name of the driver of the vehicle in which the
24 cargo is to be transported; and

25 (8) the location where the cargo was loaded.

26 (b) A port authority shall report to the department all
27 permits issued under this subchapter.

1 Sec. 623.215 [~~623.216~~]. TIME OF MOVEMENT. A permit issued
2 under this subchapter shall specify the time in which movement
3 authorized by the permit is allowed.

4 Sec. 623.216 [~~623.217~~]. SPEED LIMIT. Movement authorized
5 by a permit issued under this subchapter shall not exceed the posted
6 speed limit or 55 miles per hour, whichever is less. Violation of
7 this provision shall constitute a moving violation.

8 Sec. 623.217 [~~623.218~~]. ENFORCEMENT. The Department of
9 Public Safety shall have authority to enforce the provisions of
10 this subchapter.

11 ~~[Sec. 623.219. EXPIRATION. This subchapter expires June 1,~~
12 ~~2009.]~~

13 SECTION 3. (a) Section 1 of this Act takes effect only if
14 this Act takes effect on or before June 1, 2009.

15 (b) Subchapter K, Chapter 623, Transportation Code, as
16 reenacted and amended by Section 2 of this Act, takes effect only if
17 this Act takes effect after June 1, 2009.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.