

By: Gonzalez Toureilles, Gonzales, Swinford,
Rios Ybarra

H.B. No. 3143

Substitute the following for H.B. No. 3143:

By: Swinford

C.S.H.B. No. 3143

A BILL TO BE ENTITLED

AN ACT

1
2 relating to weight limits on a vehicle loaded with certain
3 agricultural products.

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

5 SECTION 1. Section 621.508, Transportation Code, is amended
6 to read as follows:

7 Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE
8 OVER MAXIMUM ALLOWABLE [~~AXLE~~] WEIGHT. (a) It is an affirmative
9 defense to prosecution of, or an action under Subchapter F for, the
10 offense of operating a vehicle with a gross weight, single axle
11 weight, or tandem axle weight heavier than the [~~axle~~] weight
12 authorized by law that at the time of the offense the vehicle:

13 (1) had a gross weight, single axle weight, or tandem
14 axle weight that was not heavier than the [~~axle~~] weight authorized
15 by law plus 12 percent;

16 (2) was loaded with timber, pulp wood, wood chips, or
17 cotton, livestock, or other agricultural products that are:

18 (A) in their natural state; and

19 (B) being transported from the place of
20 production to the place of first marketing or first processing;
21 [~~and~~]

22 (3) was not being operated on a portion of the national
23 system of interstate and defense highways; and

24 (4) was either operated under:

1 (A) the written consent of the commissioners
2 court of the county; or

3 (B) the following conditions:

4 (i) the owner of the vehicle obtained a
5 permit issued under Section 623.011;

6 (ii) the owner of the vehicle obtained a
7 bond or letter of credit in the amount of \$30,000 payable to the
8 department and the counties of this state;

9 (iii) the owner of the vehicle obtained an
10 excess weight permit from the county under Subsection (b); and

11 (iv) at least eight hours before the
12 operation of the vehicle on the county road, the owner or operator
13 of the vehicle notified the sheriff or, if applicable, the county
14 commissioner who serves as the ex officio road commissioner in
15 whose county or precinct the road is located.

16 (b) An owner of a motor vehicle may obtain from the
17 commissioners court of the county, through the county judge, an
18 excess weight permit that allows the operation of the vehicle
19 described in the permit:

20 (1) on the roads in that county; and

21 (2) with a gross weight up to 12 percent heavier than
22 the weight authorized by law for that vehicle.

23 (c) The fee for a permit issued under Subsection (b) may not
24 exceed:

25 (1) \$500 for a permit that is valid for any period
26 during which the permit holder operates the vehicle; or

27 (2) \$225 for a permit that is valid for one year from

1 the date of issuance.

2 (d) Sections 623.018(b) and (d) do not apply to a permit
3 issued under this section.

4 (e) This section does not authorize the operation of a
5 vehicle with a gross weight heavier than the weight authorized by
6 law for that vehicle on a bridge, if the weight of the vehicle
7 exceeds the weight limit established by the commission under
8 Section 621.102 or by the commissioners court under Section
9 621.301.

10 SECTION 2. Section 623.018, Transportation Code, is amended
11 by adding Subsection (f) to read as follows:

12 (f) Subsections (b) and (d) do not apply to a permit issued
13 under Section 621.508.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.