

By: Lucio

S.B. No. 1373

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) Subsection (b), Section 623.214,  
7 Transportation Code, is amended to read as follows:

8 (b) Fees collected under Subsection (a), minus  
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 shall not exceed 15 percent of the fees  
13 collected, may be retained by the port authority. The [~~Such~~] fees,  
14 less administrative costs, shall be deposited in State Highway Fund  
15 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17 repealed.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. Such fees  
19 shall not exceed \$80 per trip.

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

1           Sec. 623.214 [~~623.215~~]. PERMIT REQUIREMENTS.           (a) A

2 permit 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) Section 2 of this Act takes effect only if this Act takes  
16 effect on or after June 2, 2009.

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