

## **BILL ANALYSIS**

C.S.H.B. 2730  
By: White  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law provides an affirmative defense to prosecution of an offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law under certain conditions. C.S.H.B. 2730 seeks to expand this affirmative defense by including provisions relating to gross weight limits and to vehicles issued a permit for excess axle or gross weight.

### **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. 2730 amends the Transportation Code provision that establishes an affirmative defense for the offense of operating a vehicle that is over the maximum allowable axle weight if, at the time of the offense, the vehicle was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are in their natural state and being transported from the place of production to the place of first marketing or first processing; was not being operated on a portion of the national system of interstate and defense highways; and had an axle weight that was not heavier than the weight authorized by law plus 12 percent. The bill extends the affirmative defense for a vehicle loaded as specified and not operating on the prohibited highways to a vehicle that had a gross weight that was not heavier than the weight authorized by law plus 12 percent and to a vehicle that was issued an excess axle or gross weight permit.

C.S.H.B. 2730 makes conforming changes.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2730 contains a provision not included in the original establishing an affirmative defense to prosecution of or enforcement action for an offense of operating a vehicle that is over the maximum allowable axle weight for a vehicle loaded with certain agricultural products and not operating on certain prohibited highways if, at the time of the offense, the vehicle was issued an excess axle or gross weight permit.