

BILL ANALYSIS

Senate Research Center
82R12461 NAJ-D

S.B. 1604
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 621.508 (Affirmative Defense for Operating Vehicle Over Maximum Allowable Axle Weight), Transportation Code, vehicles loaded with certain agricultural products are allowed to exceed the single axle weight or tandem axle weight authorized by law by 12 percent. The 12 percent allowance on one axle does not allow flexibility in weight on the second axle.

S.B. 1604 seeks to allow raw agricultural commodities to move without permits with a 10 percent variance over gross weight, without axle weight limitations on trucks within Texas.

As proposed, S.B. 1604 amends current law relating to weight limits on a vehicle loaded with certain agricultural products.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.508, Transportation Code, as follows:

Sec. 621.508. New heading: **AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE OVER MAXIMUM ALLOWABLE GROSS WEIGHT OR AXLE WEIGHT.** Provides that it is an affirmative defense to prosecution of, or an action under Subchapter F (Enforcement) for, the offense of operating a vehicle with a gross weight, rather than single or tandem axle, heavier than the gross weight or axle weight authorized by law that at the time of the offense the vehicle:

- (1) had a gross weight that was not heavier than the weight authorized by law plus 10 percent, rather than had a single axle or tandem axle weight that was not heavier than the axle weight authorized plus 12 percent;
- (2) 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; and
- (3) was not being operated on a portion of the national system of interstate and defense highways.

SECTION 2. Effective date: September 1, 2011.