

By: McClendon, Harper-Brown

H.B. No. 1363

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the transfer of permit procedures and enforcement  
3 related to oversize and overweight vehicles from the Texas  
4 Department of Transportation to the Texas Department of Motor  
5 Vehicles.

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

7 SECTION 1. Section 621.001, Transportation Code, is amended  
8 by amending Subdivisions (3) and (4) and adding Subdivision (13) to  
9 read as follows:

10 (3) "Department" means the Texas Department of Motor  
11 Vehicles [~~Transportation~~].

12 (4) "Director" means the executive director of the  
13 Texas Department of Motor Vehicles [~~Transportation~~].

14 (13) "Board" means the board of the Texas Department  
15 of Motor Vehicles.

16 SECTION 2. Section 621.003(a), Transportation Code, is  
17 amended to read as follows:

18 (a) The board [~~commission~~] by rule may authorize the  
19 director to enter into with the proper authority of another state an  
20 agreement that authorizes:

21 (1) the authority of the other state to issue on behalf  
22 of the department to the owner or operator of a vehicle, or  
23 combination of vehicles, that exceeds the weight or size limits  
24 allowed by this state a permit that authorizes the operation or

1 transportation on a highway in this state of the vehicle or  
2 combination of vehicles; and

3 (2) the department to issue on behalf of the authority  
4 of the other state to the owner or operator of a vehicle, or  
5 combination of vehicles, that exceeds the weight or size limits  
6 allowed by that state a permit that authorizes the operation or  
7 transportation on a highway of that state of the vehicle or  
8 combination of vehicles.

9 SECTION 3. Section 621.004, Transportation Code, is amended  
10 to read as follows:

11 Sec. 621.004. ADMISSIBILITY OF CERTIFICATE OF VERTICAL  
12 CLEARANCE. In each civil or criminal proceeding in which a  
13 violation of this chapter may be an issue, a certificate of the  
14 vertical clearance of a structure, including a bridge or underpass,  
15 signed by the executive director of the Texas Department of  
16 Transportation is admissible in evidence for all purposes.

17 SECTION 4. Section 621.006, Transportation Code, is amended  
18 to read as follows:

19 Sec. 621.006. RESTRICTED OPERATION ON CERTAIN HOLIDAYS.  
20 The commission [~~department~~] by rule may impose restrictions on the  
21 weight and size of vehicles to be operated on state highways on the  
22 following holidays only:

- 23 (1) New Year's Day;  
24 (2) Memorial Day;  
25 (3) Independence Day;  
26 (4) Labor Day;  
27 (5) Thanksgiving Day; and

1 (6) Christmas Day.

2 SECTION 5. Subchapter A, Chapter 621, Transportation Code,  
3 is amended by adding Section 621.008 to read as follows:

4 Sec. 621.008. RULEMAKING AUTHORITY. The board may adopt  
5 rules necessary to implement and enforce this chapter.

6 SECTION 6. Section 621.102(d), Transportation Code, is  
7 amended to read as follows:

8 (d) A maximum weight or load set under this section becomes  
9 effective on a highway or road when appropriate signs giving notice  
10 of the maximum weight or load are erected on the highway or road by  
11 the Texas Department of Transportation under order of the  
12 commission.

13 SECTION 7. Sections 621.202(a) and (b), Transportation  
14 Code, are amended to read as follows:

15 (a) To comply with safety and operational requirements of  
16 federal law, the commission by order may set the maximum width of a  
17 vehicle, including the load on the vehicle, at eight feet for a  
18 designated highway or segment of a highway if the results of an  
19 engineering and traffic study, conducted by the Texas Department of  
20 Transportation, that includes an analysis of structural capacity of  
21 bridges and pavements, traffic volume, unique climatic conditions,  
22 and width of traffic lanes support the change.

23 (b) An order under this section becomes effective on the  
24 designated highway or segment when appropriate signs giving notice  
25 of the limitations are erected by the Texas Department of  
26 Transportation.

27 SECTION 8. Sections 621.301(a) and (d), Transportation

1 Code, are amended to read as follows:

2 (a) The commissioners court of a county may establish load  
3 limits for any county road or bridge only with the concurrence of  
4 the Texas Department of Transportation [~~department~~]. A load limit  
5 shall be deemed concurred with by the Texas Department of  
6 Transportation [~~department~~] 30 days after the county submits to the  
7 Texas Department of Transportation [~~department~~] the load limit  
8 accompanied by supporting documentation and calculations reviewed  
9 and sealed by an engineer licensed in this state, though the Texas  
10 Department of Transportation [~~department~~] may review the load limit  
11 and withdraw concurrence at any time after the 30-day period.

12 (d) A maximum weight set under this section becomes  
13 effective on a road when appropriate signs giving notice of the  
14 maximum weight are erected by the Texas Department of  
15 Transportation on the road under order of the commissioners court.

16 SECTION 9. Section 621.352(a), Transportation Code, is  
17 amended to read as follows:

18 (a) The board [~~commission~~] by rule may establish fees for  
19 the administration of Section 621.003 in an amount that, when added  
20 to the other fees collected by the department, does not exceed the  
21 amount sufficient to recover the actual cost to the department of  
22 administering that section. An administrative fee collected under  
23 this section shall be sent to the comptroller for deposit to the  
24 credit of the state highway fund and may be appropriated only to the  
25 department for the administration of Section 621.003.

26 SECTION 10. Section 621.356, Transportation Code, is  
27 amended to read as follows:

1           Sec. 621.356. FORM OF PAYMENT. The board [~~commission~~] may  
2 adopt rules prescribing the method for payment of a fee for a permit  
3 issued by the department that authorizes the operation of a vehicle  
4 and its load or a combination of vehicles and load exceeding size or  
5 weight limitations. The rules may:

6           (1) authorize the use of electronic funds transfer or  
7 a credit card issued by:

8           (A) a financial institution chartered by a state  
9 or the federal government; or

10           (B) a nationally recognized credit organization  
11 approved by the board [~~commission~~]; and

12           (2) require the payment of a discount or service  
13 charge for a credit card payment in addition to the fee.

14           SECTION 11. Section 621.504, Transportation Code, is  
15 amended to read as follows:

16           Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE. A person may  
17 not operate or attempt to operate a vehicle over or on a bridge or  
18 through an underpass or similar structure unless the height of the  
19 vehicle, including load, is less than the vertical clearance of the  
20 structure as shown by the records of the Texas Department of  
21 Transportation [~~department~~].

22           SECTION 12. Section 622.001, Transportation Code, is  
23 amended to read as follows:

24           Sec. 622.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

25           (1) "Commission" means the Texas Transportation  
26 Commission.

27           (2) "Department" [~~"department"~~] means the Texas

1 Department of Motor Vehicles [~~Transportation~~].

2 SECTION 13. Subchapter A, Chapter 622, Transportation Code,  
3 is amended by adding Section 622.002 to read as follows:

4 Sec. 622.002. RULEMAKING AUTHORITY. The board of the  
5 department may adopt rules necessary to implement and enforce this  
6 chapter.

7 SECTION 14. Sections 622.013(a) and (b), Transportation  
8 Code, are amended to read as follows:

9 (a) The owner of a ready-mixed concrete truck with a tandem  
10 axle weight heavier than 34,000 pounds shall before operating the  
11 vehicle on a public highway of this state file with the department a  
12 surety bond subject to the approval of the Texas Department of  
13 Transportation [~~department~~] in the principal amount set by the  
14 Texas Department of Transportation [~~department~~] not to exceed  
15 \$15,000 for each truck.

16 (b) The bond must be conditioned that the owner of the truck  
17 will pay to the Texas Department of Transportation [~~state~~], within  
18 the limit of the bond, any damage to a highway caused by the  
19 operation of the truck.

20 SECTION 15. Sections 622.134(a) and (b), Transportation  
21 Code, are amended to read as follows:

22 (a) Except as provided by Subsection (c), the owner of a  
23 vehicle covered by this subchapter with a tandem axle weight  
24 heavier than 34,000 pounds shall before operating the vehicle on a  
25 public highway of this state file with the department a surety bond  
26 subject to the approval of the Texas Department of Transportation  
27 [~~department~~] in the principal amount set by the Texas Department of

1 Transportation [~~department~~] not to exceed \$15,000 for each vehicle.

2 (b) The bond must be conditioned that the owner of the  
3 vehicle will pay, within the limits of the bond, to the Texas  
4 Department of Transportation [~~state~~] any damage to a highway, to a  
5 county any damage to a county road, and to a municipality any damage  
6 to a municipal street caused by the operation of the vehicle.

7 SECTION 16. Section 623.001, Transportation Code, is  
8 amended by amending Subdivision (1) and adding Subdivisions (4) and  
9 (5) to read as follows:

10 (1) "Department" means the Texas Department of Motor  
11 Vehicles [~~Transportation~~].

12 (4) "Board" means the board of the Texas Department of  
13 Motor Vehicles.

14 (5) "Commission" means the Texas Transportation  
15 Commission.

16 SECTION 17. Subchapter A, Chapter 623, Transportation Code,  
17 is amended by adding Sections 623.002 and 623.003 to read as  
18 follows:

19 Sec. 623.002. RULEMAKING AUTHORITY. The board may adopt  
20 rules necessary to implement and enforce this chapter.

21 Sec. 623.003. ROUTE DETERMINATION. (a) To the extent the  
22 department is required to determine a route under this chapter, the  
23 department shall base the department's routing decision on  
24 information provided by the Texas Department of Transportation.

25 (b) The Texas Department of Transportation shall provide  
26 the department with all routing information necessary to complete a  
27 permit issued under Section 623.071, 623.121, 623.142, or 623.192.

1 SECTION 18. Section 623.0112, Transportation Code, is  
2 amended to read as follows:

3 Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a  
4 person applies for a permit under Section 623.011, the person must  
5 pay in addition to other fees an administrative fee adopted by board  
6 [~~department~~] rule in an amount not to exceed the direct and indirect  
7 cost to the department of:

- 8 (1) issuing a sticker under Section 623.011(d);
- 9 (2) distributing fees under Section 621.353; and
- 10 (3) notifying counties under Section 623.013.

11 SECTION 19. Section 623.012(b), Transportation Code, is  
12 amended to read as follows:

13 (b) The bond or letter of credit must:

14 (1) be in the amount of \$15,000 payable to the Texas  
15 Department of Transportation [~~department~~] and the counties of this  
16 state;

17 (2) be conditioned that the applicant will pay the  
18 Texas Department of Transportation [~~department~~] for any damage to a  
19 state highway, and a county for any damage to a road or bridge of the  
20 county, caused by the operation of the vehicle for which the permit  
21 is issued at a heavier weight than the maximum weights authorized by  
22 Subchapter B of Chapter 621 or Section 621.301; and

23 (3) provide that the issuer is to notify the Texas  
24 Department of Transportation [~~department~~] and the applicant in  
25 writing promptly after a payment is made by the issuer on the bond  
26 or letter of credit.

27 SECTION 20. Sections 623.016(a) and (b), Transportation



1 Code, are amended to read as follows:

2 (a) The Texas Department of Transportation [~~department~~] or  
3 a county may recover on the bond or letter of credit required for a  
4 permit issued under Section 623.011 only by a suit against the  
5 permit holder and the issuer of the bond or letter of credit.

6 (b) Venue for a suit by the Texas Department of  
7 Transportation [~~department~~] is in a district court in:

8 (1) the county in which the defendant resides;

9 (2) the county in which the defendant has its  
10 principal place of business in this state if the defendant is a  
11 corporation or partnership; or

12 (3) Travis County if the defendant is a corporation or  
13 partnership that does not have a principal place of business in this  
14 state.

15 SECTION 21. Section 623.051(a), Transportation Code, is  
16 amended to read as follows:

17 (a) A person may operate a vehicle that cannot comply with  
18 one or more of the restrictions of Subchapter C of Chapter 621 or  
19 Section 621.101 to cross the width of any road or highway under the  
20 jurisdiction of the Texas Department of Transportation  
21 [~~department~~], other than a controlled access highway as defined by  
22 Section 203.001, from private property to other private property if  
23 the person contracts with the commission to indemnify the Texas  
24 Department of Transportation [~~department~~] for the cost of  
25 maintenance and repair of the part of the highway crossed by the  
26 vehicle.

27 SECTION 22. Section 623.052(b), Transportation Code, is

1 amended to read as follows:

2 (b) Before a person may operate a vehicle under this  
3 section, the person must:

4 (1) contract with the Texas Department of  
5 Transportation [~~department~~] to indemnify the Texas Department of  
6 Transportation [~~department~~] for the cost of the maintenance and  
7 repair for damage caused by a vehicle crossing that part of the  
8 highway; and

9 (2) execute an adequate surety bond to compensate for  
10 the cost of maintenance and repair, approved by the comptroller and  
11 the attorney general, with a corporate surety authorized to do  
12 business in this state, conditioned on the person fulfilling each  
13 obligation of the agreement.

14 SECTION 23. Section 623.075(a), Transportation Code, is  
15 amended to read as follows:

16 (a) Before the department may issue a permit under this  
17 subchapter, the applicant shall file with the department a bond in  
18 an amount set by the Texas Department of Transportation  
19 [~~department~~], payable to the Texas Department of Transportation  
20 [~~department~~], and conditioned that the applicant will pay to the  
21 Texas Department of Transportation [~~department~~] any damage that  
22 might be sustained to the highway because of the operation of the  
23 equipment for which a permit is issued.

24 SECTION 24. Sections 623.076(b) and (c), Transportation  
25 Code, are amended to read as follows:

26 (b) The board [~~Texas Transportation Commission~~] may adopt  
27 rules for the payment of a fee under Subsection (a). The rules may:

1 (1) authorize the use of electronic funds transfer;

2 (2) authorize the use of a credit card issued by:

3 (A) a financial institution chartered by a state  
4 or the United States; or

5 (B) a nationally recognized credit organization  
6 approved by the board [~~Texas Transportation Commission~~]; and

7 (3) require the payment of a discount or service  
8 charge for a credit card payment in addition to the fee prescribed  
9 by Subsection (a).

10 (c) An application for a permit under Section 623.071(c)(3)  
11 or (d) must be accompanied by the permit fee established by the  
12 board, in consultation with the commission, for the permit, not to  
13 exceed \$7,000. Of each fee collected under this subsection, the  
14 department shall send:

15 (1) the first \$1,000 to the comptroller for deposit to  
16 the credit of the general revenue fund; and

17 (2) any amount in excess of \$1,000 to the comptroller  
18 for deposit to the credit of the state highway fund.

19 SECTION 25. Section 623.078, Transportation Code, is  
20 amended to read as follows:

21 Sec. 623.078. VEHICLE SUPERVISION FEE. (a) Each applicant  
22 for a permit under this subchapter for a vehicle that is heavier  
23 than 200,000 pounds must also pay a vehicle supervision fee in an  
24 amount determined by the Texas Department of Transportation  
25 [~~department~~] and designed to recover the direct cost of providing  
26 safe transportation of the vehicle over the state highway system,  
27 including the cost of:

- 1 (1) bridge structural analysis;
- 2 (2) the monitoring of the trip process; and
- 3 (3) moving traffic control devices.

4 (b) The board [~~department~~] shall send each fee collected  
5 under Subsection (a) to the comptroller for deposit to the credit of  
6 the state highway fund.

7 SECTION 26. Section 623.080(a), Transportation Code, is  
8 amended to read as follows:

9 (a) Except as provided by Subsection (b), a permit under  
10 this subchapter must include:

- 11 (1) the name of the applicant;
- 12 (2) the date of issuance;
- 13 (3) the signature of the director of the department  
14 [~~or of a division engineer~~];

15 (4) a statement of the kind of equipment to be  
16 transported over the highway, the weight and dimensions of the  
17 equipment, and the kind and weight of each commodity to be  
18 transported; and

19 (5) a statement of any condition on which the permit is  
20 issued.

21 SECTION 27. Section 623.093(f), Transportation Code, is  
22 amended to read as follows:

23 (f) If an application for a permit to move a manufactured  
24 house is accompanied by a copy of a writ of possession issued by a  
25 court of competent jurisdiction, the applicant is not required to  
26 submit the written statement from the chief appraiser [~~set forth in~~  
27 ~~Subsection (d)~~].

1 SECTION 28. Section 623.096(b), Transportation Code, is  
2 amended to read as follows:

3 (b) The board, in consultation with the Texas Department of  
4 Transportation, [department] shall adopt rules concerning fees for  
5 each annual permit issued under Section 623.095(c) at a cost not to  
6 exceed \$3,000.

7 SECTION 29. Section 623.099(e), Transportation Code, is  
8 amended to read as follows:

9 (e) The Texas Department of Transportation [department]  
10 shall publish and annually revise a map or list of the bridges or  
11 overpasses that because of height or width require an escort flag  
12 vehicle to stop oncoming traffic while a manufactured house crosses  
13 the bridge or overpass.

14 SECTION 30. Sections 623.100(b) and (c), Transportation  
15 Code, are amended to read as follows:

16 (b) The Texas Department of Transportation [department] may  
17 limit the hours for travel on certain routes because of heavy  
18 traffic conditions.

19 (c) The Texas Department of Transportation [department]  
20 shall publish the limitation on movements prescribed by this  
21 section and the limitations adopted under Subsection (b) and shall  
22 make the publications available to the public. Each limitation  
23 adopted by the Texas Department of Transportation [department] must  
24 be made available to the public before it takes effect.

25 SECTION 31. Section 623.126(a), Transportation Code, is  
26 amended to read as follows:

27 (a) A permit issued under this subchapter must:

- 1 (1) contain the name of the applicant;
- 2 (2) be dated and signed by the director of the  
3 department [~~a division engineer,~~] or a designated agent;
- 4 (3) state the make and model of the portable building  
5 unit or units to be transported over the highways;
- 6 (4) state the make and model of the towing vehicle;
- 7 (5) state the combined length and width of the  
8 portable building unit or units and towing vehicle; and
- 9 (6) state each highway over which the portable  
10 building unit or units are to be moved.

11 SECTION 32. Section 623.142(a), Transportation Code, is  
12 amended to read as follows:

13 (a) The department may, on application, issue a permit for  
14 the movement over a road or highway under the jurisdiction of the  
15 Texas Department of Transportation [~~department~~] of a vehicle that:

- 16 (1) is a piece of fixed-load mobile machinery or  
17 equipment used to service, clean out, or drill an oil well; and
- 18 (2) cannot comply with the restrictions set out in  
19 Subchapter C of Chapter 621 and Section 621.101.

20 SECTION 33. Sections 623.145 and 623.146, Transportation  
21 Code, are amended to read as follows:

22 Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The  
23 board, in consultation with the commission, [~~Texas Transportation~~  
24 ~~Commission~~] by rule shall provide for the issuance of permits under  
25 this subchapter. The rules must include each matter the board and  
26 commission determine [~~determines~~] necessary to implement this  
27 subchapter and:

1           (1) requirements for forms and procedures used in  
2 applying for a permit;

3           (2) conditions with regard to route and time of  
4 movement;

5           (3) requirements for flags, flaggers, and warning  
6 devices;

7           (4) the fee for a permit; and

8           (5) standards to determine whether a permit is to be  
9 issued for one trip only or for a period established by the  
10 commission.

11          (b) In adopting a rule or establishing a fee, the board and  
12 commission shall consider and be guided by:

13           (1) the state's investment in its highway system;

14           (2) the safety and convenience of the general  
15 traveling public;

16           (3) the registration or license fee paid on the  
17 vehicle for which the permit is requested;

18           (4) the fees paid by vehicles operating within legal  
19 limits;

20           (5) the suitability of roadways and subgrades on the  
21 various classes of highways of the system;

22           (6) the variation in soil grade prevalent in the  
23 different regions of the state;

24           (7) the seasonal effects on highway load capacity;

25           (8) the highway shoulder design and other highway  
26 geometrics;

27           (9) the load capacity of the highway bridges;

- 1           (10) administrative costs;
- 2           (11) added wear on highways; and
- 3           (12) compensation for inconvenience and necessary
- 4 delays to highway users.

5           Sec. 623.146. VIOLATION OF RULE. A permit under this

6 subchapter is void on the failure of an owner or the owner's

7 representative to comply with a rule of the board [~~commission~~] or

8 with a condition placed on the permit, and immediately on the

9 violation, further movement over the highway of an oversize or

10 overweight vehicle violates the law regulating the size or weight

11 of a vehicle on a public highway.

12           SECTION 34. Sections 623.163(a) and (b), Transportation

13 Code, are amended to read as follows:

14           (a) The owner of a vehicle used exclusively to transport

15 solid waste with a tandem axle load heavier than 34,000 pounds shall

16 before operating the vehicle on a public highway of this state file

17 with the department a surety bond subject to the approval of the

18 Texas Department of Transportation [~~department~~] in the principal

19 amount set by the Texas Department of Transportation [~~department~~]

20 not to exceed \$15,000 for each vehicle.

21           (b) The bond must be conditioned that the owner of the

22 vehicle will pay to the Texas Department of Transportation [~~state~~]

23 and to any municipality in which the vehicle is operated on a

24 municipal street, within the limit of the bond, any damages to a

25 highway or municipal street caused by the operation of the vehicle.

26           SECTION 35. Section 623.192(a), Transportation Code, is

27 amended to read as follows:



1 (a) The department may, on application, issue a permit to a  
2 person to move over a road or highway under the jurisdiction of the  
3 Texas Department of Transportation [~~department~~] an unladen lift  
4 equipment motor vehicle that cannot comply with the restrictions  
5 set out in Subchapter C of Chapter 621 and Section 621.101.

6 SECTION 36. Sections 623.195 and 623.196, Transportation  
7 Code, are amended to read as follows:

8 Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The  
9 board, in consultation with the commission, [~~Texas Transportation~~  
10 ~~Commission~~] by rule shall provide for the issuance of a permit under  
11 this subchapter. The rules must include each matter the board and  
12 the commission determine [~~determines~~] necessary to implement this  
13 subchapter and:

14 (1) requirements for forms and procedures used in  
15 applying for a permit;

16 (2) conditions with regard to route and time of  
17 movement;

18 (3) requirements for flags, flaggers, and warning  
19 devices;

20 (4) the fee for a permit; and

21 (5) standards to determine whether a permit is to be  
22 issued for one trip only or for a period established by the  
23 commission.

24 (b) In adopting a rule or establishing a fee, the board and  
25 the commission shall consider and be guided by:

26 (1) the state's investment in its highway system;

27 (2) the safety and convenience of the general

1 traveling public;

2 (3) the registration or license fee paid on the  
3 vehicle for which the permit is requested;

4 (4) the fees paid by vehicles operating within legal  
5 limits;

6 (5) the suitability of roadways and subgrades on the  
7 various classes of highways of the system;

8 (6) the variation in soil grade prevalent in the  
9 different regions of the state;

10 (7) the seasonal effects on highway load capacity;

11 (8) the highway shoulder design and other highway  
12 geometrics;

13 (9) the load capacity of highway bridges;

14 (10) administrative costs;

15 (11) added wear on highways; and

16 (12) compensation for inconvenience and necessary  
17 delays to highway users.

18 Sec. 623.196. VIOLATION OF RULE. A permit under this  
19 subchapter is void on the failure of an owner or the owner's  
20 representative to comply with a rule of the board [~~commission~~] or  
21 with a condition placed on the permit, and immediately on the  
22 violation, further movement over a highway of an oversize or  
23 overweight vehicle violates the law regulating the size or weight  
24 of a vehicle on a public highway.

25 SECTION 37. Section 623.212, Transportation Code, is  
26 amended to read as follows:

27 Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission

1 [~~department~~] may authorize a port authority to issue permits for  
2 the movement of oversize or overweight vehicles carrying cargo on  
3 state highways located in counties contiguous to the Gulf of Mexico  
4 or a bay or inlet opening into the gulf and bordering the United  
5 Mexican States.

6 SECTION 38. Section 623.215(b), Transportation Code, is  
7 amended to read as follows:

8 (b) A port authority shall report to the Texas Department of  
9 Transportation [~~department~~] all permits issued under this  
10 subchapter.

11 SECTION 39. Section 623.233, Transportation Code, is  
12 amended to read as follows:

13 Sec. 623.233. MAINTENANCE CONTRACTS. The district shall  
14 make payments to the Texas Department of Transportation  
15 [~~department~~] to provide funds for the maintenance of state highways  
16 subject to this subchapter.

17 SECTION 40. Section 623.235(b), Transportation Code, is  
18 amended to read as follows:

19 (b) The district shall report to the Texas Department of  
20 Transportation [~~department~~] all permits issued under this  
21 subchapter.

22 SECTION 41. Section 623.253, Transportation Code, is  
23 amended to read as follows:

24 Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make  
25 payments to the Texas Department of Transportation [~~department~~] to  
26 provide funds for the maintenance of state highways subject to this  
27 subchapter.

1 SECTION 42. Section 623.304, Transportation Code, is  
2 amended to read as follows:

3 Sec. 623.304. MAINTENANCE CONTRACTS. The port authority  
4 shall make payments to the Texas Department of Transportation  
5 [~~department~~] to provide funds for the maintenance of state highways  
6 subject to this subchapter.

7 SECTION 43. Section 547.304(c), Transportation Code, is  
8 amended to read as follows:

9 (c) Except for Sections 547.323 and 547.324, a provision of  
10 this chapter that requires a vehicle to be equipped with lamps,  
11 reflectors, and lighting equipment does not apply to a mobile home  
12 if the mobile home:

13 (1) is moved under a permit issued by the Texas  
14 Department of Motor Vehicles [~~Transportation~~] under Subchapter D,  
15 Chapter 623; and

16 (2) is not moved at a time or under a condition  
17 specified by Section 547.302(a).

18 SECTION 44. Section 1001.002(b), Transportation Code, is  
19 amended to read as follows:

20 (b) In addition to the other duties required of the Texas  
21 Department of Motor Vehicles, the department shall administer and  
22 enforce:

23 (1) Subtitle A;

24 (2) Chapters 621, 622, 623, 642, 643, 645, 646, and  
25 648; and

26 (3) Chapters 2301 and 2302, Occupations Code.

27 SECTION 45. Sections 1201.161(a), (b), and (c), Occupations

1 Code, are amended to read as follows:

2 (a) Notwithstanding any other statute or rule or ordinance,  
3 a licensed retailer or licensed installer is not required to obtain  
4 a permit, certificate, or license or pay a fee to transport  
5 manufactured housing to the place of installation except as  
6 required by the Texas Department of Motor Vehicles [~~Transportation~~]  
7 under Subchapter E, Chapter 623, Transportation Code.

8 (b) The department shall cooperate with the Texas  
9 Department of Motor Vehicles [~~Transportation~~] by providing current  
10 lists of licensed manufacturers, retailers, and installers.

11 (c) The Texas Department of Motor Vehicles [~~Transportation~~]  
12 shall send the department monthly:

13 (1) a copy of each permit issued in the preceding month  
14 for the movement of manufactured housing on the highways; or

15 (2) a list of the permits issued in the preceding month  
16 and the information on the permits.

17 SECTION 46. (a) Except as otherwise provided by this Act,  
18 not later than January 1, 2012, the following are transferred from  
19 the Texas Department of Transportation to the Texas Department of  
20 Motor Vehicles:

21 (1) the powers, duties, functions, programs,  
22 activities, and rights of action of the Texas Department of  
23 Transportation relating to oversize and overweight vehicles under  
24 Chapters 621, 622, and 623, Transportation Code;

25 (2) any obligations, funds, negotiations, grants,  
26 memoranda of understanding, leases, rights, and contracts of the  
27 Texas Department of Transportation that are directly related to

1 implementing a power, duty, function, program, activity, or right  
2 of action transferred under this subsection; and

3           (3) all personnel, furniture, computers, equipment,  
4 other property, records, and related materials in the custody of  
5 the Texas Department of Transportation that are related to a power,  
6 duty, function, program, activity, or right of action transferred  
7 under this subsection and all funds appropriated by the legislature  
8 for that power, duty, function, program, activity, or right of  
9 action.

10           (b) The Texas Department of Motor Vehicles shall continue  
11 any case or proceeding relating to oversize and overweight vehicles  
12 under Chapters 621, 622, and 623, Transportation Code, that was  
13 brought before the effective date of this Act in accordance with the  
14 law in effect on the date the case or proceeding was brought, and  
15 the former law is continued in effect for that purpose.

16           (c) A certificate, license, document, permit, registration,  
17 or other authorization issued by the Texas Department of  
18 Transportation relating to oversize and overweight vehicles under  
19 Chapters 621, 622, and 623, Transportation Code, that is in effect  
20 on the effective date of this Act remains valid for the period for  
21 which it was issued unless suspended or revoked by the Texas  
22 Department of Motor Vehicles.

23           (d) The unobligated and unexpended balance of any  
24 appropriations made to the Texas Department of Transportation in  
25 connection with or relating to oversize and overweight vehicles  
26 under Chapter 621, 622, or 623, Transportation Code, for the state  
27 fiscal biennium ending August 31, 2011, is transferred and

1 reappropriated to the Texas Department of Motor Vehicles for the  
2 purpose of implementing the powers, duties, obligations, and rights  
3 of action transferred to that department.

4 (e) The Texas Department of Transportation shall continue,  
5 as necessary, to perform the duties and functions that are being  
6 transferred to the Texas Department of Motor Vehicles under this  
7 Act until the transfer of agency duties and functions is complete.

8 (f) A rule or form adopted by the Texas Department of  
9 Transportation that relates to a power, duty, function, program,  
10 activity, or right of action transferred under Subsection (a) of  
11 this section is a rule or form of the Texas Department of Motor  
12 Vehicles and remains in effect until altered by the Texas  
13 Department of Motor Vehicles.

14 (g) A reference in law to the Texas Department of  
15 Transportation that relates to a power, duty, function, program,  
16 activity, or right of action transferred under Subsection (a) of  
17 this section means the Texas Department of Motor Vehicles.

18 SECTION 47. (a) The Texas Department of Motor Vehicles may  
19 enter into a memorandum of understanding with a state agency,  
20 including the Texas Department of Transportation, if the board of  
21 the Texas Department of Motor Vehicles determines the memorandum is  
22 necessary or appropriate to implement the changes made by this Act  
23 to Chapters 621, 622, and 623, Transportation Code.

24 (b) The memorandum of understanding described by Subsection  
25 (a) of this section may:

26 (1) coordinate the Texas Department of Motor Vehicles'  
27 and the Texas Department of Transportation's information systems to

1 allow for the sharing of information so each department may  
2 effectively and efficiently perform the functions and duties  
3 assigned to the department;

4 (2) provide for implementing the memorandum using  
5 existing personnel and resources from the Texas Department of Motor  
6 Vehicles and the Texas Department of Transportation;

7 (3) allow for the sharing of otherwise confidential  
8 information subject to the same confidentiality requirements and  
9 legal restrictions on access to the information that are imposed by  
10 law on the agency that originally obtained or collected the  
11 information;

12 (4) allow for the sharing of information without the  
13 consent of the person who is the subject of the information; and

14 (5) include an agreement for:

15 (A) the provision of office space, utilities, and  
16 other facility services;

17 (B) the need for full-time equivalent positions  
18 of the Texas Department of Transportation to provide support  
19 services in addition to the positions transferred to the Texas  
20 Department of Motor Vehicles under Section 46(a)(3) of this Act;

21 (C) support services; and

22 (D) the transfer of information technology as  
23 necessary or appropriate to effectuate the transfer of the powers  
24 and duties of the Texas Department of Transportation to the Texas  
25 Department of Motor Vehicles.

26 (c) The Texas Department of Motor Vehicles and the Texas  
27 Department of Transportation may not impose, collect, or charge a



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1 fee in connection with the sharing of information under a  
2 memorandum of understanding entered into or revised under this  
3 section.

4 SECTION 48. This Act takes effect September 1, 2011.