

By: McClendon

H.B. No. 1363

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of certain functions related to oversize  
3 and overweight vehicles from the Texas Department of Transportation  
4 to the Texas Department of Motor Vehicles.

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

6 SECTION 1. Sections 621.001(2), (3), and (4),  
7 Transportation Code, are amended to read as follows:

8 (2) "Board" [~~"Commission"~~] means the board of the  
9 Texas Department of Motor Vehicles [~~Transportation Commission~~].

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

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

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

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

7           SECTION 3. The heading to Section 621.102, Transportation  
8 Code, is amended to read as follows:

9           Sec. 621.102. BOARD'S [~~COMMISSION'S~~] AUTHORITY TO SET  
10 MAXIMUM WEIGHTS.

11           SECTION 4. Sections 621.102(a), (b), (c), (d), (e), and  
12 (f), Transportation Code, are amended to read as follows:

13           (a) The board [~~commission~~] may set the maximum single axle  
14 weight, tandem axle weight, or gross weight of a vehicle, or maximum  
15 single axle weight, tandem axle weight, or gross weight of a  
16 combination of vehicles and loads, that may be moved over a state  
17 highway or a farm or ranch road if the board [~~commission~~] finds that  
18 heavier maximum weight would rapidly deteriorate or destroy the  
19 road or a bridge or culvert along the road. A maximum weight set  
20 under this subsection may not exceed the maximum set by statute for  
21 that weight.

22           (b) The board [~~commission~~] must set a maximum weight under  
23 this section by order entered in its minutes.

24           (c) The board [~~commission~~] must make the finding under this  
25 section on an engineering and traffic investigation conducted by  
26 the Texas Department of Transportation and in making the finding  
27 shall consider the width, condition, and type of pavement

1 structures and other circumstances on the road.

2 (d) A maximum weight or load set under this section becomes  
3 effective on a highway or road when appropriate signs giving notice  
4 of the maximum weight or load are erected on the highway or road  
5 under order of the board [~~commission~~].

6 (e) A vehicle operating under a permit issued under Section  
7 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or  
8 623.212 may operate under the conditions authorized by the permit  
9 over a road for which the board [~~commission~~] has set a maximum  
10 weight under this section.

11 (f) For the purpose of this section, a farm or ranch road is  
12 a state highway that is shown in the records of the Texas  
13 Transportation Commission [~~commission~~] to be a farm-to-market or  
14 ranch-to-market road.

15 SECTION 5. The heading to Section 621.202, Transportation  
16 Code, is amended to read as follows:

17 Sec. 621.202. BOARD'S [~~COMMISSION'S~~] AUTHORITY TO SET  
18 MAXIMUM WIDTH.

19 SECTION 6. Section 621.202(a), Transportation Code, is  
20 amended to read as follows:

21 (a) To comply with safety and operational requirements of  
22 federal law, the board [~~commission~~] by order may set the maximum  
23 width of a vehicle, including the load on the vehicle, at eight feet  
24 for a designated highway or segment of a highway if the results of  
25 an engineering and traffic study that includes an analysis of  
26 structural capacity of bridges and pavements, traffic volume,  
27 unique climatic conditions, and width of traffic lanes support the

1 change.

2 SECTION 7. Section 621.301(b), Transportation Code, is  
3 amended to read as follows:

4 (b) The commissioners court may limit the maximum weights to  
5 be moved on or over a county road, bridge, or culvert by exercising  
6 its authority under this subsection in the same manner and under the  
7 same conditions provided by Section 621.102 for the board  
8 [~~commission~~] to limit maximum weights on highways and roads to  
9 which that section applies.

10 SECTION 8. Section 621.352(a), Transportation Code, is  
11 amended to read as follows:

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

20 SECTION 9. Section 621.356, Transportation Code, is amended  
21 to read as follows:

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

27 (1) authorize the use of electronic funds transfer or

1 a credit card issued by:

2 (A) a financial institution chartered by a state  
3 or the federal government; or

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

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

8 SECTION 10. Section 621.504, Transportation Code, is  
9 amended to read as follows:

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

16 SECTION 11. Section 622.001, Transportation Code, is  
17 amended to read as follows:

18 Sec. 622.001. DEFINITION. In this chapter, "department"  
19 means the Texas Department of Motor Vehicles [~~Transportation~~].

20 SECTION 12. Section 622.101(a), Transportation Code, is  
21 amended to read as follows:

22 (a) A single motor vehicle used exclusively to transport  
23 chile pepper modules, seed cotton, cotton, cotton burrs, or  
24 equipment used to transport or process chile pepper modules or  
25 cotton, including a motor vehicle or burr spreader, may not be  
26 operated on a highway or road if the vehicle is:

27 (1) wider than 10 feet and the highway has not been

1 designated by the board of the Texas Department of Motor Vehicles  
2 [~~commission~~] under Section 621.202;

3 (2) longer than 48 feet; or

4 (3) higher than 14 feet 6 inches.

5 SECTION 13. Section 623.001, Transportation Code, is  
6 amended by amending Subdivision (1) and adding Subdivision (4) to  
7 read as follows:

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

10 (4) "Board" means the board of the Texas Department of  
11 Motor Vehicles.

12 SECTION 14. Section 623.0113(a), Transportation Code, is  
13 amended to read as follows:

14 (a) Except as provided by Subsection (b), a permit issued  
15 under Section 623.011 does not authorize the operation of a vehicle  
16 on:

17 (1) the national system of interstate and defense  
18 highways in this state if the weight of the vehicle is greater than  
19 authorized by federal law; or

20 (2) a bridge for which a maximum weight and load limit  
21 has been established and posted by the board [~~Texas Transportation~~  
22 ~~Commission~~] under Section 621.102 or the commissioners court of a  
23 county under Section 621.301, if the gross weight of the vehicle and  
24 load or the axles and wheel loads are greater than the limits  
25 established and posted under those sections.

26 SECTION 15. Sections 623.012(a), (b), and (c),  
27 Transportation Code, are amended to read as follows:

1 (a) An applicant for a permit under Section 623.011, other  
2 than a permit to operate a vehicle loaded with timber or pulp wood,  
3 wood chips, cotton, or agricultural products in their natural  
4 state, shall file with the Texas Department of Transportation  
5 [~~department~~]:

6 (1) a blanket bond; or

7 (2) an irrevocable letter of credit issued by a  
8 financial institution the deposits of which are guaranteed by the  
9 Federal Deposit Insurance Corporation.

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

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

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

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

24 (c) If an issuer of a bond or letter of credit pays under the  
25 bond or letter of credit, the permit holder shall file with the  
26 Texas Department of Transportation [~~department~~] before the 31st day  
27 after the date on which the payment is made:

1           (1) a replacement bond or letter of credit in the  
2 amount prescribed by Subsection (b) for the original bond or letter  
3 of credit; or

4           (2) a notification from the issuer of the existing  
5 bond or letter of credit that the bond or letter of credit has been  
6 restored to the amount prescribed by Subsection (b).

7           SECTION 16. Sections 623.016(a) and (b), Transportation  
8 Code, are amended to read as follows:

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

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

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

16                 (2) the county in which the defendant has its  
17 principal place of business in this state if the defendant is a  
18 corporation or partnership; or

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

22           SECTION 17. Section 623.051, Transportation Code, is  
23 amended to read as follows:

24           Sec. 623.051. CONTRACT ALLOWING OVERSIZE OR OVERWEIGHT  
25 VEHICLE TO CROSS ROAD; SURETY BOND. (a) A person may operate a  
26 vehicle that cannot comply with one or more of the restrictions of  
27 Subchapter C of Chapter 621 or Section 621.101 to cross the width of



1 any road or highway under the jurisdiction of the Texas Department  
2 of Transportation [~~department~~], other than a controlled access  
3 highway as defined by Section 203.001, from private property to  
4 other private property if the person contracts with the Texas  
5 Transportation Commission [~~commission~~] to indemnify the Texas  
6 Department of Transportation [~~department~~] for the cost of  
7 maintenance and repair of the part of the highway crossed by the  
8 vehicle.

9 (b) The Texas Transportation Commission [~~commission~~] shall  
10 adopt rules relating to the forms and procedures to be used under  
11 this section and other matters that the commission considers  
12 necessary to carry out this section.

13 (c) To protect the safety of the traveling public, minimize  
14 any delays and inconveniences to the operators of vehicles in  
15 regular operation, and assure payment for the added wear on the  
16 highways in proportion to the reduction of service life, the Texas  
17 Transportation Commission [~~commission~~], in adopting rules under  
18 this section, shall consider:

19 (1) the safety and convenience of the general  
20 traveling public;

21 (2) the suitability of the roadway and subgrade on the  
22 road or highway to be crossed, variation in soil grade prevalent in  
23 the different regions of the state, and the seasonal effects on  
24 highway load capacity, the highway shoulder design, and other  
25 highway geometrics; and

26 (3) the state's investment in its highway system.

27 (d) Before exercising any right under a contract under this

1 section, a person must execute with a corporate surety authorized  
2 to do business in this state a surety bond in an amount determined  
3 by the Texas Transportation Commission [~~commission~~] to compensate  
4 for the cost of maintenance and repairs as provided by this section.  
5 The bond must be approved by the comptroller and the attorney  
6 general and must be conditioned on the person fulfilling the  
7 obligations of the contract.

8 SECTION 18. Section 623.052(b), Transportation Code, is  
9 amended to read as follows:

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

12 (1) contract with the Texas Department of  
13 Transportation [~~department~~] to indemnify the Texas Department of  
14 Transportation [~~department~~] for the cost of the maintenance and  
15 repair for damage caused by a vehicle crossing that part of the  
16 highway; and

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

22 SECTION 19. Section 623.075(a), Transportation Code, is  
23 amended to read as follows:

24 (a) Before the department may issue a permit under this  
25 subchapter, the applicant shall file with the Texas Department of  
26 Transportation [~~department~~] a bond in an amount set by the Texas  
27 Department of Transportation [~~department~~], payable to the Texas

1 Department of Transportation [~~department~~], and conditioned that  
2 the applicant will pay to the Texas Department of Transportation  
3 [~~department~~] any damage that might be sustained to the highway  
4 because of the operation of the equipment for which a permit is  
5 issued.

6 SECTION 20. Sections 623.076(b) and (c), Transportation  
7 Code, are amended to read as follows:

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

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

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

12 (A) a financial institution chartered by a state  
13 or the United States; or

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

16 (3) require the payment of a discount or service  
17 charge for a credit card payment in addition to the fee prescribed  
18 by Subsection (a).

19 (c) An application for a permit under Section 623.071(c)(3)  
20 or (d) must be accompanied by the permit fee established by the  
21 board [~~commission~~] for the permit, not to exceed \$7,000. Of each  
22 fee collected under this subsection, the department shall send:

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

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

27 SECTION 21. Sections 623.145 and 623.146, Transportation

1 Code, are amended to read as follows:

2           Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The  
3 board [~~Texas Transportation Commission~~] by rule shall provide for  
4 the issuance of permits under this subchapter. The rules must  
5 include each matter the board [~~commission~~] determines necessary to  
6 implement this subchapter and:

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

9                   (2) conditions with regard to route and time of  
10 movement;

11                   (3) requirements for flags, flaggers, and warning  
12 devices;

13                   (4) the fee for a permit; and

14                   (5) standards to determine whether a permit is to be  
15 issued for one trip only or for a period established by the board  
16 [~~commission~~].

17           (b) In adopting a rule or establishing a fee, the board  
18 [~~commission~~] shall consider and be guided by:

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

20                   (2) the safety and convenience of the general  
21 traveling public;

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

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

26                   (5) the suitability of roadways and subgrades on the  
27 various classes of highways of the system;

- 1           (6) the variation in soil grade prevalent in the  
2 different regions of the state;
- 3           (7) the seasonal effects on highway load capacity;
- 4           (8) the highway shoulder design and other highway  
5 geometrics;
- 6           (9) the load capacity of the highway bridges;
- 7           (10) administrative costs;
- 8           (11) added wear on highways; and
- 9           (12) compensation for inconvenience and necessary  
10 delays to highway users.

11           Sec. 623.146. VIOLATION OF RULE. A permit under this  
12 subchapter is void on the failure of an owner or the owner's  
13 representative to comply with a rule of the board [~~commission~~] or  
14 with a condition placed on the permit, and immediately on the  
15 violation, further movement over the highway of an oversize or  
16 overweight vehicle violates the law regulating the size or weight  
17 of a vehicle on a public highway.

18           SECTION 22. Sections 623.195 and 623.196, Transportation  
19 Code, are amended to read as follows:

20           Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The  
21 board [~~Texas Transportation Commission~~] by rule shall provide for  
22 the issuance of a permit under this subchapter. The rules must  
23 include each matter the board [~~commission~~] determines necessary to  
24 implement this subchapter and:

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

27           (2) conditions with regard to route and time of

1 movement;

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

4 (4) the fee for a permit; and

5 (5) standards to determine whether a permit is to be  
6 issued for one trip only or for a period established by the board  
7 [~~commission~~].

8 (b) In adopting a rule or establishing a fee, the board  
9 [~~commission~~] shall consider and be guided by:

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

11 (2) the safety and convenience of the general  
12 traveling public;

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

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

17 (5) the suitability of roadways and subgrades on the  
18 various classes of highways of the system;

19 (6) the variation in soil grade prevalent in the  
20 different regions of the state;

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

22 (8) the highway shoulder design and other highway  
23 geometrics;

24 (9) the load capacity of highway bridges;

25 (10) administrative costs;

26 (11) added wear on highways; and

27 (12) compensation for inconvenience and necessary

1 delays to highway users.

2           Sec. 623.196. VIOLATION OF RULE. A permit under this  
3 subchapter is void on the failure of an owner or the owner's  
4 representative to comply with a rule of the board [~~commission~~] or  
5 with a condition placed on the permit, and immediately on the  
6 violation, further movement over a highway of an oversize or  
7 overweight vehicle violates the law regulating the size or weight  
8 of a vehicle on a public highway.

9           SECTION 23. Section 623.219, Transportation Code, is  
10 amended to read as follows:

11           Sec. 623.219. ROUTE DESIGNATION. (a) The board  
12 [~~commission~~] shall, with the consent of the port authority,  
13 designate the most direct route from the Gateway International  
14 Bridge or the Veterans International Bridge at Los Tomates to the  
15 entrance of the Port of Brownsville using State Highways 48 and 4 or  
16 United States Highways 77 and 83 or using United States Highway 77  
17 and United States Highway 83, East Loop Corridor, and State Highway  
18 4.

19           (b) If the board [~~commission~~] designates a route or changes  
20 the route designated under this section, the board [~~commission~~]  
21 shall notify the port authority of the route not later than the 60th  
22 day before the date that the designation takes effect.

23           SECTION 24. Section 623.232, Transportation Code, is  
24 amended to read as follows:

25           Sec. 623.232. ISSUANCE OF PERMITS. The board [~~Texas~~  
26 ~~Transportation Commission~~] may authorize the district to issue  
27 permits for the movement of oversize or overweight vehicles

1 carrying cargo on state highways located in Victoria County.

2 SECTION 25. Section 623.239, Transportation Code, is  
3 amended to read as follows:

4 Sec. 623.239. RULES. The board [~~Texas Transportation~~  
5 ~~Commission~~] may adopt rules necessary to implement this subchapter.

6 SECTION 26. Section 623.252(a), Transportation Code, is  
7 amended to read as follows:

8 (a) The board [~~Texas Transportation Commission~~] may  
9 authorize the county to issue permits for the movement of oversize  
10 or overweight vehicles carrying cargo on state highways located in  
11 Chambers County.

12 SECTION 27. Section 623.253, Transportation Code, is  
13 amended to read as follows:

14 Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make  
15 payments to the Texas Department of Transportation [~~department~~] to  
16 provide funds for the maintenance of state highways subject to this  
17 subchapter.

18 SECTION 28. Section 623.259, Transportation Code, is  
19 amended to read as follows:

20 Sec. 623.259. RULES. The board [~~Texas Transportation~~  
21 ~~Commission~~] may adopt rules necessary to implement this subchapter.

22 SECTION 29. Section 623.288, Transportation Code, is  
23 amended to read as follows:

24 Sec. 623.288. RULES. The board [~~Texas Transportation~~  
25 ~~Commission~~] may adopt rules necessary to implement this subchapter.

26 SECTION 30. Section 623.303, Transportation Code, is  
27 amended to read as follows:



1           Sec. 623.303. ISSUANCE OF PERMITS.    The board [~~Texas~~  
2 ~~Transportation Commission~~] may authorize the port authority to  
3 issue permits for the movement of oversize or overweight vehicles  
4 carrying cargo on state highway special freight corridors located  
5 in San Patricio County. The port authority may issue a permit under  
6 this subchapter only if the cargo being transported weighs 125,000  
7 pounds or less.

8           SECTION 31. Section 623.310, Transportation Code, is  
9 amended to read as follows:

10          Sec. 623.310. RULES.    The board [~~Texas Transportation~~  
11 ~~Commission~~] may adopt rules necessary to implement this subchapter.

12          SECTION 32. Section 227.025(a), Transportation Code, is  
13 amended to read as follows:

14          (a) The board of the Texas Department of Motor Vehicles  
15 [~~commission~~] may authorize the operation of a vehicle that exceeds  
16 the height, length, or gross weight limitations of Subchapter C,  
17 Chapter 621, on a segment of a highway on the Trans-Texas Corridor  
18 if supported by an engineering and traffic study that includes an  
19 analysis of the structural capacity of bridges and pavements,  
20 current and projected traffic patterns and volume, and potential  
21 effects on public safety.

22          SECTION 33. Section 547.304(c), Transportation Code, is  
23 amended to read as follows:

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

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

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

6           SECTION 34. Section 1001.002(b), Transportation Code, is  
7 amended to read as follows:

8           (b) In addition to the other duties required of the Texas  
9 Department of Motor Vehicles, the department shall administer and  
10 enforce:

11           (1) Subtitle A;

12           (2) Chapters 621, 622, 623, 642, 643, 645, 646, and  
13 648; and

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

15           SECTION 35. Sections 1201.161(a), (b), and (c), Occupations  
16 Code, are amended to read as follows:

17           Sec. 1201.161. TRANSPORTATION OF MANUFACTURED HOUSING. (a)  
18 Notwithstanding any other statute or rule or ordinance, a licensed  
19 retailer or licensed installer is not required to obtain a permit,  
20 certificate, or license or pay a fee to transport manufactured  
21 housing to the place of installation except as required by the Texas  
22 Department of Motor Vehicles [~~Transportation~~] under Subchapter E,  
23 Chapter 623, Transportation Code.

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

27           (c) The Texas Department of Motor Vehicles [~~Transportation~~]

1 shall send the department monthly:

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

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

6 SECTION 36. (a) Not later than January 1, 2012, the  
7 following are transferred from the Texas Department of  
8 Transportation to the Texas Department of Motor Vehicles:

9 (1) the powers, duties, functions, programs, and  
10 activities of the Texas Department of Transportation relating to  
11 oversize and overweight vehicles under Chapters 621, 622, and 623,  
12 Transportation Code;

13 (2) any obligations and contracts of the Texas  
14 Department of Transportation that are directly related to  
15 implementing a power, duty, function, program, or activity  
16 transferred under this subsection; and

17 (3) all property and records in the custody of the  
18 Texas Department of Transportation that are related to a power,  
19 duty, function, program, or activity transferred under this  
20 subsection and all funds appropriated by the legislature for that  
21 power, duty, function, program, or activity.

22 (b) The Texas Department of Transportation and the Texas  
23 Department of Motor Vehicles may agree by memorandum of  
24 understanding to transfer to the Texas Department of Motor Vehicles  
25 any personnel of the Texas Department of Transportation whose  
26 functions predominantly involve powers, duties, obligations,  
27 functions, and activities related to oversize and overweight

1 vehicles under Chapters 621, 622, and 623, Transportation Code.

2 (c) A rule or form adopted by the Texas Department of  
3 Transportation that relates to a power, duty, function, program, or  
4 activity transferred under Subsection (a) of this section is a rule  
5 or form of the Texas Department of Motor Vehicles and remains in  
6 effect until altered by the Texas Department of Motor Vehicles.

7 (d) A reference in law to the Texas Department of  
8 Transportation that relates to a power, duty, function, program, or  
9 activity transferred under Subsection (a) of this section means the  
10 Texas Department of Motor Vehicles.

11 SECTION 37. The Texas Department of Transportation and the  
12 Texas Department of Motor Vehicles shall enter into a memorandum of  
13 understanding that:

14 (1) identifies in detail the applicable powers and  
15 duties that are transferred by this Act; and

16 (2) establishes a plan for the identification and  
17 transfer of the records, personnel, property, and unspent  
18 appropriations of the Texas Department of Transportation that are  
19 used for purposes of the Texas Department of Transportation's  
20 powers and duties directly related to oversize and overweight  
21 vehicles under Chapters 621, 622, and 623, Transportation Code.

22 SECTION 38. This Act takes effect September 1, 2011.