

By: White

H.B. No. 2730

Substitute the following for H.B. No. 2730:

By: Davis of Dallas

C.S.H.B. No. 2730

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to weight limits on a vehicle loaded with certain  
3 agricultural products.

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

5 SECTION 1. Section 621.508, Transportation Code, is amended  
6 to read as follows:

7 Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE  
8 OVER MAXIMUM ALLOWABLE [~~AXLE~~] WEIGHT. (a) It is an affirmative  
9 defense to prosecution of, or an action under Subchapter F for, the  
10 offense of operating a vehicle with a gross weight, single axle  
11 weight, or tandem axle weight heavier than the [~~axle~~] weight  
12 authorized by law that at the time of the offense the vehicle:

13 (1) had a gross weight, single axle weight, or tandem  
14 axle weight that was not heavier than the [~~axle~~] weight authorized  
15 by law plus 12 percent;

16 (2) was loaded with timber, pulp wood, wood chips, or  
17 cotton, livestock, or other agricultural products that are:

18 (A) in their natural state; and

19 (B) being transported from the place of  
20 production to the place of first marketing or first processing; and

21 (3) was not being operated on a portion of the national  
22 system of interstate and defense highways.

23 (b) It is an affirmative defense to prosecution of, or an  
24 action under Subchapter F for, the offense of operating a vehicle

1 with a single axle weight or tandem axle weight heavier than the  
2 axle weight authorized by law that at the time of the offense the  
3 vehicle:

4 (1) was issued a permit under Section 623.011;

5 (2) was loaded with timber, pulp wood, wood chips, or  
6 cotton, livestock, or other agricultural products that are:

7 (A) in their natural state; and

8 (B) being transported from the place of  
9 production to the place of first marketing or first processing; and

10 (3) was not being operated on a portion of the national  
11 system of interstate and defense highways.

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2011.