

1-1 By: Rodriguez (Senate Sponsor - Nichols) H.B. No. 3309
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 17, 2011, reported
1-5 favorably by the following vote: Yeas 6, Nays 0; May 17, 2011, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the authority to set maximum weights for state
1-10 highways, roads, and bridges.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 621.102, Transportation Code, is amended
1-13 to read as follows:

1-14 Sec. 621.102. [~~COMMISSION'S~~] AUTHORITY TO SET MAXIMUM
1-15 WEIGHTS. (a) The director [~~commission~~] may set the maximum single
1-16 axle weight, tandem axle weight, or gross weight of a vehicle, or
1-17 maximum single axle weight, tandem axle weight, or gross weight of a
1-18 combination of vehicles and loads, that may be moved over a state
1-19 highway or a farm or ranch road if the director [~~commission~~] finds
1-20 that heavier maximum weight would rapidly deteriorate or destroy
1-21 the road or a bridge or culvert along the road. A maximum weight set
1-22 under this subsection may not exceed the maximum set by statute for
1-23 that weight.

1-24 (b) [~~The commission must set a maximum weight under this~~
1-25 ~~section by order entered in its minutes.~~

1-26 [~~(c)~~] The director [~~commission~~] must make the finding under
1-27 this section on an engineering and traffic investigation and in
1-28 making the finding shall consider the width, condition, and type of
1-29 pavement structures and other circumstances on the road.

1-30 (c) [~~(d)~~] A maximum weight or load set under this section
1-31 becomes effective on a highway or road when appropriate signs
1-32 giving notice of the maximum weight or load are erected on the
1-33 highway or road [~~under order of the commission~~].

1-34 (d) [~~(e)~~] A vehicle operating under a permit issued under
1-35 Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181,
1-36 623.192, or 623.212 may operate under the conditions authorized by
1-37 the permit over a road for which the director [~~commission~~] has set a
1-38 maximum weight under this section.

1-39 (e) [~~(f)~~] For the purpose of this section, a farm or ranch
1-40 road is a state highway that is shown in the records of the
1-41 commission to be a farm-to-market or ranch-to-market road.

1-42 (f) [~~(g)~~] This section does not apply to a vehicle
1-43 delivering groceries, farm products, or liquefied petroleum gas.

1-44 SECTION 2. This Act takes effect immediately if it receives
1-45 a vote of two-thirds of all the members elected to each house, as
1-46 provided by Section 39, Article III, Texas Constitution. If this
1-47 Act does not receive the vote necessary for immediate effect, this
1-48 Act takes effect September 1, 2011.

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