

BILL ANALYSIS

C.S.S.B. 1671
By: Nichols
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that the current laws relating to commercial vehicles driving on state roads with oversize or overweight loads do not provide sufficient penalties to prevent companies from violating these laws. This insufficiency encourages companies to unlawfully operate these oversize or overweight vehicles because the fines may be less costly than the alternative of buying a permit or reducing the weight or size of these vehicles. The parties believe that in order to have an effective permitting process for these vehicles in Texas, a strong and effective enforcement of state truck size and weight laws is needed. C.S.S.B. 1671 seeks to discourage the illegal operation of oversize and overweight vehicles on Texas roads and bridges.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1671 amends the Transportation Code to establish a presumption of intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit for oversize or overweight vehicles, except for a permit issued for excess axle or gross weight, if the vehicle is operated at a weight that is heavier than the applicable weight allowed under a permit for oversize or overweight vehicles and if a permit to operate at that weight has not been issued for the vehicle. The bill make it an offense, punishable by a fine of \$5,000, to operate a vehicle at a weight for which an oversize or overweight permit is required, other than a permit issued for excess axle or gross weight, and to fail to obtain the permit. The bill requires half of the amount of the fine to be deposited to the credit of the state highway fund with the remaining portion authorized to be retained by the county in which the violation occurred to be used solely for the purposes of road maintenance on county roads and enforcement of traffic laws in the county.

C.S.S.B. 1671 prohibits a person from operating or moving a vehicle equipped with a tag or lift axle on a highway if the tag or lift axle is lowered to the surface of the highway and the minimum ascending and descending transverse travel of the tag or lift axle is less than 1.2 inches per foot of length, as measured from the rear of the vehicle to the tag or lift axle.

C.S.S.B. 1671 lowers from 15 to three percent the percentage over the applicable axle or gross weight limit of a vehicle that determines the presumption of intent to violate a weight limitation. The bill makes a violation of statutory provisions relating to loading a vehicle in excess of the weight limitations for operation of that vehicle subject to administrative enforcement, but prohibits such enforcement from being imposed on a shipper of gasoline, diesel fuel, or aviation fuel for such a violation.

C.S.S.B. 1671 expands the conduct that constitutes the offense of operating or loading an overweight vehicle to include operating a vehicle or combination of vehicles in violation of statutory provisions relating to length limitations for vehicles transporting timber or timber

products, to vehicles transporting raw wood products, to length limitations for vehicles transporting electric power transmission poles, and to length limitations for vehicles transporting poles or pipe. The bill increases from \$100 to \$500 the minimum fine and from \$150 to \$1,250 the maximum fine for such an offense.

C.S.S.B. 1671 creates a system of Class 1 to Class 2 weight violations for the offense of operating or loading an overweight vehicle by establishing that a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is:

- a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds; and
- a Class 2 weight violation, if the excess weight is more than 5,000 pounds.

The bill also creates a system of Class 1 to Class 4 weight violations for that offense by establishing that a vehicle having a gross weight that is more than the vehicle's allowable weight is:

- a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds;
- a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;
- a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and
- a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

The bill sets out minimum and maximum fines to be assessed on initial conviction of the offense for each class of weight violation and does the same for a second conviction of the offense before the first anniversary of the date of a previous conviction, a third conviction of the offense before the first anniversary of the date of a previous conviction, and any subsequent conviction of the offense after the first anniversary of a previous conviction. The bill establishes that a previous offense of operating or loading an overweight vehicle includes any such offense, regardless of whether the offense involved a weight class violation or the same weight class violation. The bill makes a violation of these provisions subject to administrative enforcement.

C.S.S.B. 1671 revises the punishments for conviction of the general offense relating to vehicle size and weight by increasing the fines for an initial conviction and a subsequent conviction before the first anniversary of the date of a previous conviction and specifying the fines and period of confinement in a county jail for a subsequent conviction after the first anniversary of the date of a previous conviction. The bill establishes a minimum fine of \$5,000 for an initial conviction of the general offense relating to vehicle size and weight for a person that is a corporation.

C.S.S.B. 1671 increases from \$100 to \$1,000 the minimum fine for specified offenses under statutory provisions relating to general permits for oversize or overweight vehicles and increases from \$150 to \$2,250 the maximum fine for such offenses. The bill creates a system of Class 1 to Class 2 weight violations for the offenses by establishing that a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is:

- a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds; and
- a Class 2 weight violation, if the excess weight is more than 5,000 pounds.

The bill also creates a system of Class 1 to Class 4 weight violations for the offenses by establishing that a vehicle having a gross weight that is more than the vehicle's allowable weight is:

- a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more

than 5,000 pounds;

- a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;
- a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and
- a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

The bill sets out minimum and maximum fines to be assessed on initial conviction of such an offense for each class of weight violation and does the same for a second conviction of such an offense before the first anniversary of the date of a previous conviction, a third conviction of such an offense before the first anniversary of the date of a previous conviction, and any subsequent conviction of such an offense after the first anniversary of a previous conviction. The bill establishes that a previous offense relating to general permits for oversize and overweight vehicles includes any such offense, regardless of whether the offense involved a weight class violation or the same weight class violation. The bill makes a violation of these provisions subject to administrative enforcement. The bill expands the requirement that a governmental entity collecting a fine related to such offenses send an amount equal to 50 percent of the fine to the comptroller of public accounts to include a fine collected for an offense under the system of class weight violations created by the bill's provisions. The bill specifies that a municipal court has jurisdiction of such an offense in which the fine does not exceed \$10,000, rather than \$500, and grants jurisdiction to a county or district of such an offense in which the fine exceeds \$10,000.

C.S.S.B. 1671 revises the punishments for conviction of an offense under statutory provisions relating to a permit for the operation of superheavy or oversize equipment on a state highway by increasing the fine for an initial conviction and a subsequent conviction before the first anniversary of the date of a previous conviction, establishing a fine for a third conviction before the first anniversary of the date of a previous conviction, and specifying the fine and period of confinement in a county jail for a subsequent conviction after the first anniversary of the date of a previous conviction.

C.S.S.B. 1671 prohibits the Texas Department of Motor Vehicles (TxDMV) from revoking a permit issued for the operation of superheavy or oversize equipment over a state highway for a violation of statutory provisions relating to permits for oversize or overweight vehicles unless the holder of the permit is convicted before the first anniversary of the date of a previous conviction of three or more such offenses.

C.S.S.B. 1671 requires TxDMV, on imposition of an administrative penalty on a shipper for providing false information on a shipper's certificate of weight, to assess a law enforcement fee in the amount of \$5,000 against the shipper, in addition to the established penalty. The bill requires the fee to be remitted to the comptroller for deposit in a special account in the general revenue fund and limits appropriation of the fee to the Department of Public Safety for commercial vehicle enforcement. The bill makes such provisions inapplicable to an administrative penalty imposed on a shipper of gasoline, diesel fuel, or aviation fuel.

C.S.S.B. 1671 repeals Section 623.019(d), Transportation Code.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1671 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial

differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 621.502, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Chapter 623, except for a permit issued under Section 623.011, is presumed if:

(1) the vehicle is operated at a weight that is heavier than the applicable weight allowed under Chapter 623; and

(2) a permit to operate at that weight has not been issued for the vehicle.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 621.502, Transportation Code, is amended by adding Subsections (e) through (i) to read as follows:

(e) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Chapter 623, except for a permit issued under Section 623.011, is presumed if:

(1) the vehicle is operated at a weight that is heavier than the applicable weight allowed under Chapter 623; and

(2) a permit to operate at that weight has not been issued for the vehicle.

(f) A person commits an offense if:

(1) the person operates a vehicle at a weight for which a permit is required by Chapter 623, other than a permit issued under Section 623.011; and

(2) the person has failed to obtain the permit.

(g) An offense under Subsection (f) is punishable by a fine of \$5,000. Half of the amount of each fine collected under this subsection shall be deposited to the credit of the state highway fund. The remaining portion of the fine may be retained by the county in which the violation occurred to be used solely for the purposes of road maintenance on county roads and enforcement of traffic laws in the county.

(h) A person may not operate or move a vehicle equipped with a tag or lift axle on a highway if:

(1) the tag or lift axle is lowered to the surface of the highway; and

(2) the minimum ascending and descending transverse travel of the tag or lift axle is less than 1.2 inches per foot of length, as measured from the rear of the vehicle to the tag or lift axle.

(i) In this section:

(1) "Tag or lift axle" means an additional axle mounted to the rear of a vehicle that:

(A) may be raised or lowered;

(B) extends behind the rearmost axle of the vehicle; and

(C) extends the overall wheelbase of the vehicle when lowered to the surface of a highway.

(2) "Transverse travel" means the distance

that a tag or lift axle moves vertically, either up or down, because the vehicle enters an incline or exits a decline of a highway.

SECTION 2. Section 621.503, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by Section 621.101 or Chapter 623.

(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by three ~~[45]~~ percent or more.

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623.

SECTION 2. Section 621.503, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by Section 621.101 or Chapter 623.

(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by three ~~[45]~~ percent or more.

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except that administrative enforcement may not be imposed on a shipper of gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code, for a violation of this section.

SECTION 3. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (i) to read as follows:

(a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, ~~[622.042,]~~ 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$500 ~~[\$100]~~ and not more than \$1,250 ~~[\$150]~~;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$750 or more than \$1,500;

(B) a Class 2 weight violation, by a fine of not less than \$1,500 or more than \$3,000;

(C) a Class 3 weight violation, by a fine of not less than \$3,500 or more than \$7,000; or

(D) a Class 4 weight violation, by a fine of

SECTION 3. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (i) to read as follows:

(a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, ~~[622.042,]~~ 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$500 ~~[\$100]~~ and not more than \$1,250 ~~[\$150]~~;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$750 or more than \$1,500;

(B) a Class 2 weight violation, by a fine of not less than \$1,500 or more than \$3,000;

(C) a Class 3 weight violation, by a fine of not less than \$3,500 or more than \$7,000; or

(D) a Class 4 weight violation, by a fine of

~~not less than \$7,500 or more than \$15,000 [a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500];~~

~~(3) [on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4)] on conviction, before the first anniversary of the date of a previous conviction under this section, of a second offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$1,000 or more than \$2,000;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$2,500 or more than \$4,500;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$9,250 or more than \$18,000;~~

~~(4) on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$3,750;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$4,000 or more than \$5,500;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$12,500 or more than \$22,000;~~

~~and~~

~~(5) on conviction, after the first anniversary of a previous conviction under this section, of a subsequent offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$850 or more than \$1,750;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$1,750 or more than \$3,250;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$3,700 or more than \$7,500; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$7,750 or more than \$16,000~~

~~[by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3)].~~

~~(b-1) For purposes of Subsection (b)(3), (4), or (5), a previous offense under this section~~

~~not less than \$7,500 or more than \$15,000 [a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500];~~

~~(3) [on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4)] on conviction, before the first anniversary of the date of a previous conviction under this section, of a second offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$1,000 or more than \$2,000;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$2,500 or more than \$4,500;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$4,500 or more than \$8,000; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$9,250 or more than \$18,000;~~

~~(4) on conviction, before the first anniversary of the date of a previous conviction under this section, of a third offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$2,500 or more than \$3,750;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$4,000 or more than \$5,500;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$6,000 or more than \$9,000; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$12,500 or more than \$22,000;~~

~~and~~

~~(5) on conviction, after the first anniversary of a previous conviction under this section, of a subsequent offense under this section involving:~~

~~(A) a Class 1 weight violation, by a fine of not less than \$850 or more than \$1,750;~~

~~(B) a Class 2 weight violation, by a fine of not less than \$1,750 or more than \$3,250;~~

~~(C) a Class 3 weight violation, by a fine of not less than \$3,700 or more than \$7,500; or~~

~~(D) a Class 4 weight violation, by a fine of not less than \$7,750 or more than \$16,000~~

~~[by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3)].~~

~~(b-1) For purposes of Subsection (b)(3), (4), or (5), a previous offense under this section~~

includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.

(b-2) In this section, a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than the vehicle's allowable weight is:

(1) a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds;

(2) a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(3) a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(4) a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

(i) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623.

SECTION 4. Subchapter G, Chapter 621, Transportation Code, is amended.

SECTION 5. Subsection (b), Section 621.507, Transportation Code, is amended.

SECTION 6. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), (e), and (f) and adding Subsections (b-1) and (b-2) to read as follows:

(b) An ~~[Except as provided by Subsections (e) and (d), an]~~ offense under Subsection (a) is a misdemeanor punishable:

(1) by a fine of not less than \$1,000 ~~[\$100]~~ or more than \$2,250;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$750 or more than \$1,500;

(B) a Class 2 weight violation, by a fine of not less than \$1,500 or more than \$3,000;

(C) a Class 3 weight violation, by a fine of

includes any offense under this section, regardless of whether the offense involved a weight class violation or the same weight class violation.

(b-2) In this section:

(1) a vehicle having a single axle weight or tandem axle weight that is more than the vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds; and

(B) a Class 2 weight violation, if the excess weight is more than 5,000 pounds; and

(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds;

(B) a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(C) a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(D) a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

(i) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version except for recitation.

SECTION 6. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), (e), and (f) and adding Subsections (b-1) and (b-2) to read as follows:

(b) An ~~[Except as provided by Subsections (e) and (d), an]~~ offense under Subsection (a) is a misdemeanor punishable:

(1) by a fine of not less than \$1,000 ~~[\$100]~~ or more than \$2,250;

(2) on conviction of an offense involving:

(A) a Class 1 weight violation, by a fine of not less than \$750 or more than \$1,500;

(B) a Class 2 weight violation, by a fine of not less than \$1,500 or more than \$3,000;

(C) a Class 3 weight violation, by a fine of

not less than \$3,500 or more than \$7,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$7,500 or more than \$15,000;
(3) on conviction, before the first
anniversary of the date of a previous
conviction under this section, of a second
offense under this section involving:

(A) a Class 1 weight violation, by a fine of
not less than \$1,000 or more than \$2,000;
(B) a Class 2 weight violation, by a fine of
not less than \$2,500 or more than \$4,500;
(C) a Class 3 weight violation, by a fine of
not less than \$4,500 or more than \$8,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$9,250 or more than \$18,000;

(4) on conviction, before the first
anniversary of a previous conviction under
this section, of a third offense under this
section involving:

(A) a Class 1 weight violation, by a fine of
not less than \$2,500 or more than \$3,750;
(B) a Class 2 weight violation, by a fine of
not less than \$4,000 or more than \$5,500;
(C) a Class 3 weight violation, by a fine of
not less than \$6,000 or more than \$9,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$12,500 or more than \$22,000;
and

(5) on conviction, after the first anniversary
of a previous conviction under this section,
of a subsequent offense under this section
involving:

(A) a Class 1 weight violation, by a fine of
not less than \$850 or more than \$1,750;
(B) a Class 2 weight violation, by a fine of
not less than \$1,750 or more than \$3,250;
(C) a Class 3 weight violation, by a fine of
not less than \$3,700 or more than \$7,500; or
(D) a Class 4 weight violation, by a fine of
not less than \$7,750 or more than \$16,000
[\$150].

(b-1) For purposes of Subsection (b)(3), (4),
or (5), a previous offense under this section
includes any offense under this section,
regardless of whether the offense involved a
weight class violation or the same weight
class violation.

(b-2) In this section, a vehicle having a
single axle weight, tandem axle weight, or
gross weight that is more than the vehicle's
allowable weight is:

not less than \$3,500 or more than \$7,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$7,500 or more than \$15,000;
(3) on conviction, before the first
anniversary of the date of a previous
conviction under this section, of a second
offense under this section involving:

(A) a Class 1 weight violation, by a fine of
not less than \$1,000 or more than \$2,000;
(B) a Class 2 weight violation, by a fine of
not less than \$2,500 or more than \$4,500;
(C) a Class 3 weight violation, by a fine of
not less than \$4,500 or more than \$8,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$9,250 or more than \$18,000;

(4) on conviction, before the first
anniversary of a previous conviction under
this section, of a third offense under this
section involving:

(A) a Class 1 weight violation, by a fine of
not less than \$2,500 or more than \$3,750;
(B) a Class 2 weight violation, by a fine of
not less than \$4,000 or more than \$5,500;
(C) a Class 3 weight violation, by a fine of
not less than \$6,000 or more than \$9,000; or
(D) a Class 4 weight violation, by a fine of
not less than \$12,500 or more than \$22,000;
and

(5) on conviction, after the first anniversary
of a previous conviction under this section,
of a subsequent offense under this section
involving:

(A) a Class 1 weight violation, by a fine of
not less than \$850 or more than \$1,750;
(B) a Class 2 weight violation, by a fine of
not less than \$1,750 or more than \$3,250;
(C) a Class 3 weight violation, by a fine of
not less than \$3,700 or more than \$7,500; or
(D) a Class 4 weight violation, by a fine of
not less than \$7,750 or more than \$16,000
[\$150].

(b-1) For purposes of Subsection (b)(3), (4),
or (5), a previous offense under this section
includes any offense under this section,
regardless of whether the offense involved a
weight class violation or the same weight
class violation.

(b-2) In this section:

(1) a vehicle having a single axle weight or
tandem axle weight that is more than the
vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess
weight is more than 2,500 pounds but not
more than 5,000 pounds; and

(B) a Class 2 weight violation, if the excess

(1) a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds;

(2) a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(3) a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(4) a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

(c) A violation of this section is subject to administrative enforcement under Subchapter N. [An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:

[(1) not less than \$300 or more than \$500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or

[(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.]

(e) A governmental entity collecting a fine under this section [Subsection (e)] shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$10,000 [\$500]. A county or district court has jurisdiction of an offense under this section in which the fine exceeds \$10,000.

SECTION 7. Subsection (b), Section 623.082, Transportation Code, is amended.

SECTION 8. Section 623.271, Transportation Code, is amended.

SECTION 9. Section 623.272, Transportation Code, is amended by adding Subsection (d) to read as follows:

weight is more than 5,000 pounds; and

(2) a vehicle having a gross weight that is more than the vehicle's allowable weight is:

(A) a Class 1 weight violation, if the excess weight is more than 2,500 pounds but not more than 5,000 pounds;

(B) a Class 2 weight violation, if the excess weight is more than 5,000 pounds but not more than 10,000 pounds;

(C) a Class 3 weight violation, if the excess weight is more than 10,000 pounds but not more than 20,000 pounds; and

(D) a Class 4 weight violation, if the excess weight is more than 20,000 pounds.

(c) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623. [An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:

[(1) not less than \$300 or more than \$500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or

[(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.]

(e) A governmental entity collecting a fine under this section [Subsection (e)] shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$10,000 [\$500]. A county or district court has jurisdiction of an offense under this section in which the fine exceeds \$10,000.

SECTION 7. Same as engrossed version except for recitation.

SECTION 8. Same as engrossed version.

SECTION 9. Section 623.272, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) If the department imposes an administrative penalty on a shipper under this section, the department shall assess, in addition to the penalty, a law enforcement fee in the amount of \$5,000 against the shipper.

A fee collected under this subsection shall be remitted to the comptroller for deposit in the general revenue fund and may be appropriated only for law enforcement purposes.

SECTION 10. Subsection (d), Section 623.019, Transportation Code, is repealed.

SECTION 11. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 12. This Act takes effect September 1, 2013.

(d) If the department imposes an administrative penalty on a shipper under this section, the department shall assess, in addition to the penalty, a law enforcement fee in the amount of \$5,000 against the shipper.

A fee collected under this subsection shall be remitted to the comptroller for deposit in a special account in the general revenue fund and may be appropriated only to the Department of Public Safety for commercial vehicle enforcement. This subsection does not apply to an administrative penalty imposed on a shipper of gasoline, diesel fuel, or aviation fuel, as those terms are defined by Section 162.001, Tax Code.

SECTION 10. Same as engrossed version except for recitation.

SECTION 11. Same as engrossed version.

SECTION 12. Same as engrossed version.