

By: White, et al.

H.B. No. 777

A BILL TO BE ENTITLED

AN ACT

relating to oversize or overweight vehicles transporting timber or timber products; authorizing fees and civil penalties.

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

SECTION 1. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.510 to read as follows:

Sec. 621.510. ADDITIONAL CIVIL PENALTIES. (a) A person convicted of an offense under this subtitle for conduct that violates Section 622.041 shall also be assessed a civil penalty of:

(1) \$1,000 for failure to comply with Section 623.323;

and

(2) \$5,000 for failure to obtain a permit under Section 623.321.

(b) The civil penalty may be awarded by a court having jurisdiction over misdemeanors.

(c) A penalty collected under this section must be deposited to the credit of the county road and bridge fund of the county in which the violation occurred.

SECTION 2. Section 622.041, Transportation Code, is amended to read as follows:

Sec. 622.041. WEIGHT AND LENGTH LIMITATION. (a) A person may operate over a highway or road of this state a vehicle or combination of vehicles that is being used to transport [~~exclusively for transporting poles, piling, or~~] unrefined timber,

1 wood chips, or woody biomass [~~from the point of origin of the timber~~
2 ~~(the forest where the timber is felled) to a wood processing mill]~~
3 if:

4 (1) the vehicle, or combination of vehicles, is not
5 longer than 90 feet, including the load; [~~and~~]

6 (2) the person holds for the vehicle or combination of
7 vehicles permits issued under Sections 623.011 and 623.321;

8 (3) the notice requirements of Section 623.323 are
9 met; and

10 (4) when the maximum allowable gross weight authorized
11 by a permit issued under Section 623.011 for the vehicle or
12 combination of vehicles is:

13 (A) not exceeded, the gross load carried on any
14 tandem axle of the vehicle or combination of vehicles does not
15 exceed 44,000 pounds; or

16 (B) exceeded, the vehicle or combination of
17 vehicles complies with the requirements of Section 621.101(b) [~~the~~
18 ~~distance from the point of origin to the destination or delivery~~
19 ~~point does not exceed 125 miles].~~

20 (b) Section 621.508 does not apply to a vehicle or
21 combination of vehicles operated under this section. [~~Subsection~~
22 ~~(a)(1) does not apply to a truck-tractor or truck-tractor~~
23 ~~combination transporting poles, piling, or unrefined timber.]~~

24 SECTION 3. Section 622.043, Transportation Code, is amended
25 to read as follows:

26 Sec. 622.043. CONFORMITY WITH GENERAL PROVISIONS RELATING
27 TO VEHICLE SIZE AND WEIGHT. Except as otherwise provided by this

1 subchapter, the ~~[The]~~ width, height, and gross weight of a vehicle
2 or combination of vehicles subject to this subchapter shall conform
3 to Chapter 621.

4 SECTION 4. Section 623.011, Transportation Code, is amended
5 by amending Subsection (g) and adding Subsection (h) to read as
6 follows:

7 (g) Except as provided by Subsection (h), a ~~[A]~~ vehicle
8 operating under a permit issued under this section may exceed the
9 maximum allowable gross weight tolerance allowance by not more than
10 five percent, regardless of the weight of any one axle or tandem
11 axle, if no axle or tandem axle exceeds the tolerance permitted by
12 Subsection (a).

13 (h) A vehicle or combination of vehicles operating under
14 both a permit issued under this section and a permit issued under
15 Section 623.321 may operate at weight limits that do not exceed
16 those prescribed by Section 622.041.

17 SECTION 5. Section 623.0111, Transportation Code, is
18 amended by adding Subsection (d) to read as follows:

19 (d) Subsection (a)(2) does not apply to a person who holds a
20 permit issued under Section 623.321 for the vehicle or combination
21 of vehicles.

22 SECTION 6. Chapter 623, Transportation Code, is amended by
23 adding Subchapter Q to read as follows:

24 SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

25 Sec. 623.321. PERMIT. The department may issue a permit
26 under this subchapter to a person for a vehicle or combination of
27 vehicles that is being used to transport unrefined timber, wood

1 chips, or woody biomass. A permit issued under this subchapter is
2 in addition to other permits required by law.

3 Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a) To qualify
4 for a permit under this subchapter for a vehicle or combination of
5 vehicles, a person must:

6 (1) pay a permit fee of \$800; and

7 (2) designate in the permit application each county in
8 which the vehicle or combination of vehicles will be operated.

9 (b) A permit issued under this subchapter:

10 (1) is valid for one year; and

11 (2) must be carried in the vehicle for which it is
12 issued.

13 Sec. 623.323. NOTIFICATION. (a) For purposes of this
14 section, "financially responsible party" means the owner of the
15 vehicle or combination of vehicles, the party operating the vehicle
16 or combination of vehicles, or a person that hires, leases, rents,
17 or subcontracts the vehicle or combination of vehicles for use on a
18 road maintained by a county or a state highway.

19 (b) Before a vehicle or combination of vehicles for which a
20 permit is issued under this subchapter may be operated on a road
21 maintained by a county or a state highway, the financially
22 responsible party shall execute a notification document and agree
23 to reimburse the county or the state, as applicable, for damage to a
24 road or highway sustained as a consequence of the transportation
25 authorized by the permit. At a minimum, the notification document
26 must include:

27 (1) the name and address of the financially

1 responsible party;

2 (2) a description of each permit issued for the
3 vehicle or combination of vehicles;

4 (3) a description of the method of compliance by the
5 financially responsible party with Section 601.051;

6 (4) the address or location of the geographic area in
7 which the financially responsible party wishes to operate a vehicle
8 or combination of vehicles and a designation of the specific route
9 of travel anticipated by the financially responsible party,
10 including the name or number of each road maintained by a county or
11 state highway;

12 (5) a calendar or schedule of duration that includes
13 the days and hours of operation during which the financially
14 responsible party reasonably anticipates using the county road or
15 state highway identified in Subdivision (4); and

16 (6) a list of each vehicle or combination of vehicles
17 by license plate number or other registration information, and a
18 description of the means by which financial responsibility is
19 established for each vehicle or combination of vehicles if each
20 vehicle or combination of vehicles is not covered by a single
21 insurance policy, surety bond, deposit, or other means of financial
22 assurance.

23 (c) A financially responsible party shall electronically
24 file the notification document described by Subsection (b) with the
25 department under rules adopted by the department not later than the
26 second day before the first day listed by the financially
27 responsible party under Subsection (b)(5). The department shall

1 immediately send an electronic copy of the notification document to
2 each county identified in the notification document and the Texas
3 Department of Transportation and an electronic receipt for the
4 notification document to the financially responsible party. Not
5 later than the first day listed by the financially responsible
6 party under Subsection (b)(5), a county or the Texas Department of
7 Transportation may inspect a road or highway identified in the
8 notification document. If an inspection is conducted under this
9 subsection, a county or the Texas Department of Transportation
10 shall:

11 (1) document the condition of the roads or highways
12 and take photographs of the roads or highways as necessary to
13 establish a baseline for any subsequent assessment of damage
14 sustained by the financially responsible party's use of the roads
15 or highways; and

16 (2) provide a copy of the documentation to the
17 financially responsible party.

18 (d) If an inspection has been conducted under Subsection
19 (c), a county or the Texas Department of Transportation, as
20 applicable, shall, not later than the second day after the
21 expiration of the calendar or schedule of duration described by
22 Subsection (b)(5):

23 (1) conduct an inspection described by Subsection
24 (c)(1) to determine any damage sustained by the financially
25 responsible party's use of the roads or highways; and

26 (2) provide a copy of the inspection documentation to
27 the financially responsible party.

1 (e) This section does not apply to a vehicle or combination
2 of vehicles that are being used to transport unrefined timber, wood
3 chips, or woody biomass from a storage yard to the place of first
4 processing.

5 Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee collected
6 under Section 623.322 for a permit:

7 (1) 50 percent of the amount collected shall be
8 deposited to the credit of the state highway fund; and

9 (2) the other 50 percent shall be divided among all
10 counties designated in the permit application under Section
11 623.322(a)(2), with a county receiving an amount determined
12 according to the ratio of the total amount of timber harvested in
13 that county to the total amount of timber harvested by all counties
14 designated on the application, as determined by the most recent
15 edition of the Texas A&M Forest Service's Harvest Trends Report.

16 (b) At least once each fiscal year, the comptroller shall
17 send the amount due each county under Subsection (a) to the county
18 treasurer or officer performing the function of that office for
19 deposit to the credit of the county road and bridge fund.

20 Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This
21 subchapter does not authorize the operation on the national system
22 of interstate and defense highways in this state of a vehicle of a
23 size or weight greater than those permitted under 23 U.S.C. Section
24 127.

25 (b) If the United States authorizes the operation on the
26 national system of interstate and defense highways of a vehicle of a
27 size or weight greater than those permitted under 23 U.S.C. Section

1 127 on September 1, 2013, the new limit automatically takes effect
2 on the national system of interstate and defense highways in this
3 state.

4 SECTION 7. This Act takes effect September 1, 2013.