

By: White, et al.

H.B. No. 777

Substitute the following for H.B. No. 777:

By: Lavender

C.S.H.B. No. 777

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 (1) \$1,000 for failure to comply with Section 623.323;

11 and

12 (2) \$5,000 for failure to obtain a permit under
13 Section 623.321.

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

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

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

21 Sec. 622.041. WEIGHT AND LENGTH LIMITATION. (a) A person
22 may operate over a highway or road of this state a vehicle or
23 combination of vehicles that is being used to transport
24 [~~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 623.0111, Transportation Code, is
5 amended by adding Subsection (d) to read as follows:

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

9 SECTION 5. Chapter 623, Transportation Code, is amended by
10 adding Subchapter Q to read as follows:

11 SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

12 Sec. 623.321. PERMIT. The department may issue a permit
13 under this subchapter to a person for a vehicle or combination of
14 vehicles that is being used to transport unrefined timber, wood
15 chips, or woody biomass. A permit issued under this subchapter is
16 in addition to other permits required by law.

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

- 20 (1) pay a permit fee of \$800; and
21 (2) designate in the permit application each county in
22 which the vehicle or combination of vehicles will be operated.

23 (b) A permit issued under this subchapter:

- 24 (1) is valid for one year; and
25 (2) must be carried in the vehicle for which it is
26 issued.

27 Sec. 623.323. NOTIFICATION. (a) For purposes of this

1 section, "financially responsible party" means the owner of the
2 vehicle or combination of vehicles, the party operating the vehicle
3 or combination of vehicles, or a person that hires, leases, rents,
4 or subcontracts the vehicle or combination of vehicles for use on a
5 road maintained by a county or a state highway.

6 (b) Before a vehicle or combination of vehicles for which a
7 permit is issued under this subchapter may be operated on a road
8 maintained by a county or a state highway, the financially
9 responsible party shall execute a notification document and agree
10 to reimburse the county or the state, as applicable, for damage to a
11 road or highway sustained as a consequence of the transportation
12 authorized by the permit. At a minimum, the notification document
13 must include:

14 (1) the name and address of the financially
15 responsible party;

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

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

20 (4) the address or location of the geographic area in
21 which the financially responsible party wishes to operate a vehicle
22 or combination of vehicles and a designation of the specific route
23 of travel anticipated by the financially responsible party,
24 including the name or number of each road maintained by a county or
25 state highway;

26 (5) a calendar or schedule of duration that includes
27 the days and hours of operation during which the financially

1 responsible party reasonably anticipates using the county road or
2 state highway identified in Subdivision (4); and

3 (6) a list of each vehicle or combination of vehicles
4 by license plate number or other registration information, and a
5 description of the means by which financial responsibility is
6 established for each vehicle or combination of vehicles if each
7 vehicle or combination of vehicles is not covered by a single
8 insurance policy, surety bond, deposit, or other means of financial
9 assurance.

10 (c) A financially responsible party shall electronically
11 file the notification document described by Subsection (b) with the
12 department under rules adopted by the department not later than the
13 second day before the first day listed by the financially
14 responsible party under Subsection (b)(5). The department shall
15 immediately send an electronic copy of the notification document to
16 each county identified in the notification document and the Texas
17 Department of Transportation and an electronic receipt for the
18 notification document to the financially responsible party. Not
19 later than the first day listed by the financially responsible
20 party under Subsection (b)(5), a county or the Texas Department of
21 Transportation may inspect a road or highway identified in the
22 notification document. If an inspection is conducted under this
23 subsection, a county or the Texas Department of Transportation
24 shall:

25 (1) document the condition of the roads or highways
26 and take photographs of the roads or highways as necessary to
27 establish a baseline for any subsequent assessment of damage

1 sustained by the financially responsible party's use of the roads
2 or highways; and

3 (2) provide a copy of the documentation to the
4 financially responsible party.

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

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

13 (2) provide a copy of the inspection documentation to
14 the financially responsible party.

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

17 (1) 50 percent of the amount collected shall be
18 deposited to the credit of the state highway fund; and

19 (2) the other 50 percent shall be divided among all
20 counties designated in the permit application under Section
21 623.322(a)(2), with a county receiving an amount determined
22 according to the ratio of the total amount of timber harvested in
23 that county to the total amount of timber harvested by all counties
24 designated on the application, as determined by the most recent
25 edition of the Texas A&M Forest Service's Harvest Trends Report.

26 (b) At least once each fiscal year, the comptroller shall
27 send the amount due each county under Subsection (a) to the county

1 treasurer or officer performing the function of that office for
2 deposit to the credit of the county road and bridge fund.

3 Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This
4 subchapter does not authorize the operation on the national system
5 of interstate and defense highways in this state of a vehicle of a
6 size or weight greater than those permitted under 23 U.S.C. Section
7 127.

8 (b) If the United States authorizes the operation on the
9 national system of interstate and defense highways of a vehicle of a
10 size or weight greater than those permitted under 23 U.S.C. Section
11 127 on September 1, 2013, the new limit automatically takes effect
12 on the national system of interstate and defense highways in this
13 state.

14 SECTION 6. This Act takes effect September 1, 2013.