

By: Guillen

H.B. No. 2102

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of the governor to suspend requirements  
3 applicable to motor carriers during certain emergencies;  
4 authorizing a fee.

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

6 SECTION 1. Section 418.016, Government Code, is amended by  
7 adding Subsections (f), (g), and (h) to read as follows:

8 (f) To the extent authorized by federal law, the governor  
9 may suspend any of the following requirements in response to an  
10 emergency or disaster declaration of another jurisdiction if strict  
11 compliance with the requirement would prevent, hinder, or delay  
12 necessary action in assisting another state with coping with an  
13 emergency or disaster:

14 (1) a registration requirement in an agreement entered  
15 into under the International Registration Plan under Section  
16 502.091, Transportation Code;

17 (2) a temporary registration permit requirement under  
18 Section 502.094, Transportation Code;

19 (3) a provision of Subtitle E, Title 7, Transportation  
20 Code;

21 (4) a motor carrier registration requirement under  
22 Chapter 643, Transportation Code;

23 (5) a registration requirement under Chapter 645,  
24 Transportation Code; or

1           (6) a fuel tax requirement under the International  
2 Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq.

3           (g) For the purposes of Subsection (f), "emergency or  
4 disaster declaration of another jurisdiction" means an emergency  
5 declaration, a major disaster declaration, a state of emergency  
6 declaration, a state of disaster declaration, or a similar  
7 declaration made by:

8           (1) the president of the United States under the  
9 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42  
10 U.S.C. Section 5121 et seq.); or

11           (2) the governor of another state.

12           (h) To the extent federal law requires this state to issue a  
13 special permit under 23 U.S.C. Section 127 or an executive order, a  
14 suspension issued under Subsection (f) is a special permit or an  
15 executive order.

16           SECTION 2. Chapter 623, Transportation Code, is amended by  
17 adding Subchapter R to read as follows:

18           SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL  
19   EMERGENCY

20           Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a)  
21 Notwithstanding any other law, the department may issue a special  
22 permit during a major disaster as declared by the president of the  
23 United States under the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an  
25 overweight or oversize vehicle or load that:

26           (1) can easily be dismantled or divided; and

27           (2) will be used only to deliver relief supplies.

1       (b) A permit issued under this section expires not later  
2 than the 120th day after the date of the major disaster declaration.

3       Sec. 623.342. RULES. The board may adopt rules necessary to  
4 implement this subchapter, including rules that establish:

5           (1) the fee for a permit; and

6           (2) requirements for obtaining a permit.

7       Sec. 623.343. PERMIT CONDITIONS. The department may impose  
8 conditions on a permit holder to ensure the safe operation of a  
9 permitted vehicle and minimize damage to roadways, including  
10 requirements related to vehicle routing, hours of operation, weight  
11 limits, and lighting and requirements for escort vehicles.

12       Sec. 623.344. PERMIT FEES. (a) The department may collect a  
13 fee for each permit issued under this subchapter.

14       (b) A fee collected under this subchapter shall be sent to  
15 the comptroller for deposit to the credit of the state highway fund  
16 and may be appropriated only to the department.

17       (c) The department may collect a highway maintenance fee  
18 under Section 623.077 or a vehicle supervision fee under Section  
19 623.078 from a person who holds a permit under this subchapter. The  
20 highway maintenance fee or vehicle supervision fee shall be sent to  
21 the comptroller and deposited as required by those sections.

22       SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.