

Suspending limitations on conference committee jurisdiction, H.B. No. 2741 (Phillips/Nichols)

By: Phillips

H.R. No. 3011

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 83rd Legislature, Regular Session, 2013, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 2741 (the regulation of motor  
6 vehicles by counties and the Texas Department of Motor Vehicles;  
7 authorizing a fee; creating an offense) to consider and take action  
8 on the following matters:

9 (1) House Rule 13, Section 9(a)(4), is suspended to permit  
10 the committee to add text on a matter not included in either the  
11 house or senate version of the bill by adding proposed SECTION 104  
12 to the bill, amending Section 622.012(b), Transportation Code, to  
13 read as follows:

14 SECTION 104. Section 622.012(b), Transportation Code, is  
15 amended to read as follows:

16 (b) A truck may be operated at a weight that exceeds the  
17 maximum single axle or tandem axle weight limitation by not more  
18 than 10 percent if the gross weight is not heavier than 69,000  
19 pounds and the department has issued a permit that authorizes the  
20 operation of the vehicle under Section 623.0171.

21 Explanation: The addition of text is necessary to require  
22 ready-mixed concrete trucks with three axles to be permitted to  
23 operate at certain weight.

24 (2) House Rule 13, Section 9(a)(4), is suspended to permit

1 the committee to add text on a matter not included in either the  
2 house or senate version of the bill by adding proposed SECTION 108  
3 to the bill, amending Sections 623.012(a) and (b), Transportation  
4 Code, to read as follows:

5 SECTION 108. Sections 623.012(a) and (b), Transportation  
6 Code, are amended to read as follows:

7 (a) An applicant for a permit under Section 623.011, other  
8 than a permit under that section to operate a vehicle loaded with  
9 timber or pulp wood, wood chips, cotton, or agricultural products  
10 in their natural state, and an applicant for a permit under Section  
11 623.321 shall file with the department:

- 12 (1) a blanket bond; or  
13 (2) an irrevocable letter of credit issued by a  
14 financial institution the deposits of which are guaranteed by the  
15 Federal Deposit Insurance Corporation.

16 (b) The bond or letter of credit must:

17 (1) be in the amount of \$15,000 payable to the Texas  
18 Department of Transportation and the counties of this state;

19 (2) be conditioned that the applicant will pay the  
20 Texas Department of Transportation for any damage to a state  
21 highway, and a county for any damage to a road or bridge of the  
22 county, caused by the operation of the vehicle:

23 (A) for which the permit is issued at a heavier  
24 weight than the maximum weights authorized by Subchapter B of  
25 Chapter 621 or Section 621.301 or 623.321; or

26 (B) that is in violation of Section 623.323; and

27 (3) provide that the issuer is to notify the Texas

1 Department of Transportation and the applicant in writing promptly  
2 after a payment is made by the issuer on the bond or letter of  
3 credit.

4 Explanation: The addition of text is necessary to require a  
5 person to file a bond or letter of credit to obtain a permit to  
6 operate a vehicle or combination of vehicles to transport unrefined  
7 timber, wood chips, or woody biomass in certain counties.

8 (3) House Rule 13, Section 9(a)(4), is suspended to permit  
9 the committee to add text on a matter not included in either the  
10 house or senate version of the bill by adding proposed SECTION 110  
11 to the bill, adding Section 623.0171, Transportation Code, to read  
12 as follows:

13 SECTION 110. Subchapter B, Chapter 623, Transportation  
14 Code, is amended by adding Section 623.0171 to read as follows:

15 Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS. (a)  
16 In this section, "ready-mixed concrete truck" has the meaning  
17 assigned by Section 622.011.

18 (b) The department may issue a permit that authorizes the  
19 operation of a ready-mixed concrete truck with three axles.

20 (c) To qualify for a permit under this section, a base  
21 permit fee of \$1,000 must be paid, except as provided by Subsection  
22 (g).

23 (d) A permit issued under this section:

24 (1) is valid for one year, except as provided by  
25 Subsection (g); and

26 (2) must be carried in the vehicle for which it is  
27 issued.

1       (e) When the department issues a permit under this section,  
2 the department shall issue a sticker to be placed on the front  
3 windshield of the vehicle above the inspection certificate issued  
4 to the vehicle. The department shall design the form of the sticker  
5 to aid in the enforcement of weight limits for vehicles.

6       (f) The sticker must:

7           (1) indicate the expiration date of the permit; and

8           (2) be removed from the vehicle when:

9                   (A) the permit for operation of the vehicle  
10 expires;

11                   (B) a lease of the vehicle expires; or

12                   (C) the vehicle is sold.

13       (g) The department may issue a permit under this section  
14 that is valid for a period of less than one year. The department  
15 shall prorate the applicable fee required by Subsection (c) for a  
16 permit issued under this subsection as necessary to reflect the  
17 term of the permit.

18       (h) Unless otherwise provided by state or federal law, a  
19 county or municipality may not require a permit, fee, or license for  
20 the operation of a ready-mixed concrete truck in addition to a  
21 permit, fee, or license required by state law.

22       (i) Section 622.015 does not apply to an owner of a  
23 ready-mixed concrete truck who holds a permit under this section  
24 for the truck.

25       (j) Unless otherwise provided by state or federal law, a  
26 ready-mixed concrete truck may operate on a state, county, or  
27 municipal road, including a load-zoned county road or a frontage

1 road adjacent to a federal interstate highway, if the truck  
2 displays a sticker required by Subsection (e) and does not exceed  
3 the maximum gross weight authorized under Section 622.012.

4 (k) For the purposes of Subsection (l), the department by  
5 rule shall require an applicant to designate in the permit  
6 application the counties in which the applicant intends to operate.

7 (1) Of the fee collected under this section for a permit:

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

10 (2) the other 50 percent shall be divided among and  
11 distributed to the counties designated in permit applications under  
12 Subsection (k) according to department rule.

13 (m) At least once each fiscal year, the comptroller shall  
14 send the amount due each county under Subsection (l) to the county  
15 treasurer or officer performing the function of that office for  
16 deposit to the credit of the county road and bridge fund.

17 Explanation: The addition of text is necessary to provide for  
18 a permitting process to authorize the operation of a ready-mixed  
19 concrete truck with three axles.

20 (4) House Rule 13, Section 9(a)(4), is suspended to permit  
21 the committee to add text on a matter not included in either the  
22 house or senate version of the bill by adding proposed SECTION 119  
23 to the bill, adding Section Subchapter Q, Chapter 623,  
24 Transportation Code, to read as follows:

25 SECTION 119. Chapter 623, Transportation Code, is amended  
26 by adding Subchapter Q to read as follows:

1           SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

2           Sec. 623.321. PERMIT. (a) The department may issue a  
3 permit under this subchapter, as an alternative to a permit issued  
4 under Section 623.011, authorizing a person to operate a vehicle or  
5 combination of vehicles that is being used to transport unrefined  
6 timber, wood chips, or woody biomass in a county identified as a  
7 timber producing county in the most recent edition of the Texas A&M  
8 Forest Service's Harvest Trends Report as of May 15, 2013, at the  
9 weight limits prescribed by Subsection (b).

10           (b) A person may operate over a road or highway a vehicle or  
11 combination of vehicles issued a permit under this section at a  
12 gross weight that is not heavier than 84,000 pounds, if the gross  
13 load carried on any tandem axle of the vehicle or combination of  
14 vehicles does not exceed 44,000 pounds.

15           (c) Section 621.508 does not apply to a vehicle or  
16 combination of vehicles operated under this section.

17           (d) The department shall annually update the number of  
18 timber producing counties described by Subsection (a) based on the  
19 most recent edition of the Texas A&M Forest Service's Harvest  
20 Trends Report.

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

- 24           (1) pay a permit fee of \$1,500;  
25           (2) designate in the permit application the timber  
26 producing counties described by Section 623.321(a) in which the  
27 vehicle or combination of vehicles will be operated; and

1           (3) satisfy the security requirement of Section  
2 623.012.

3           (b) A permit issued under this subchapter:

4           (1) is valid for one year; and

5           (2) must be carried in the vehicle for which it is  
6 issued.

7           Sec. 623.323. NOTIFICATION. (a) For purposes of this  
8 section, "financially responsible party" means the owner of the  
9 vehicle or combination of vehicles, the party operating the vehicle  
10 or combination of vehicles, or a person that hires, leases, rents,  
11 or subcontracts the vehicle or combination of vehicles for use on a  
12 road maintained by a county or a state highway.

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

21           (1) the name and address of the financially  
22 responsible party;

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

25           (3) a description of the method of compliance by the  
26 financially responsible party with Sections 601.051 and 623.012;

27           (4) the address or location of the geographic area in

1 which the financially responsible party wishes to operate a vehicle  
2 or combination of vehicles and a designation of the specific route  
3 of travel anticipated by the financially responsible party,  
4 including the name or number of each road maintained by a county or  
5 state highway;

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

10 (6) a list of each vehicle or combination of vehicles  
11 by license plate number or other registration information, and a  
12 description of the means by which financial responsibility is  
13 established for each vehicle or combination of vehicles if each  
14 vehicle or combination of vehicles is not covered by a single  
15 insurance policy, surety bond, deposit, or other means of financial  
16 assurance.

17 (c) A financially responsible party shall electronically  
18 file the notification document described by Subsection (b) with the  
19 department under rules adopted by the department not later than the  
20 second business day before the first business day listed by the  
21 financially responsible party under Subsection (b)(5). The  
22 department shall immediately send an electronic copy of the  
23 notification document to each county identified in the notification  
24 document and the Texas Department of Transportation and an  
25 electronic receipt for the notification document to the financially  
26 responsible party. Not later than the first business day listed by  
27 the financially responsible party under Subsection (b)(5), a county



1 or the Texas Department of Transportation may inspect a road or  
2 highway identified in the notification document. If an inspection  
3 is conducted under this subsection, a county or the Texas  
4 Department of Transportation shall:

5 (1) document the condition of the roads or highways  
6 and take photographs of the roads or highways as necessary to  
7 establish a baseline for any subsequent assessment of damage  
8 sustained by the financially responsible party's use of the roads  
9 or highways; and

10 (2) provide a copy of the documentation to the  
11 financially responsible party.

12 (d) If an inspection has been conducted under Subsection  
13 (c), a county or the Texas Department of Transportation, as  
14 applicable, shall, not later than the fifth business day after the  
15 expiration of the calendar or schedule of duration described by  
16 Subsection (b)(5):

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

20 (2) provide a copy of the inspection documentation to  
21 the financially responsible party.

22 (e) The state or a county required to be notified under this  
23 section may assert a claim against any security posted under  
24 Section 623.012 or insurance filed under Section 643.103 for damage  
25 to a road or highway sustained as a consequence of the  
26 transportation authorized by the permit.

27 (f) This section does not apply to a vehicle or combination

1 of vehicles that are being used to transport unrefined timber, wood  
2 chips, or woody biomass from:

- 3 (1) a storage yard to the place of first processing; or  
4 (2) outside this state to a place of first processing  
5 in this state.

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

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

10 (2) the other 50 percent shall be divided equally  
11 among all counties designated in the permit application under  
12 Section 623.322(a)(2).

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

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

22 (b) If the United States authorizes the operation on the  
23 national system of interstate and defense highways of a vehicle of a  
24 size or weight greater than those permitted under 23 U.S.C. Section  
25 127 on September 1, 2013, the new limit automatically takes effect  
26 on the national system of interstate and defense highways in this  
27 state.

1           Explanation: The addition of text is necessary to provide  
2 for a permitting process to authorize a person to operate a vehicle  
3 or combination of vehicles to transport unrefined timber, wood  
4 chips, or woody biomass in certain counties.

5           (5) House Rule 13, Section 9(a)(4), is suspended to permit  
6 the committee to add text on a matter not included in either the  
7 house or senate version of the bill in proposed SECTION 140(2) of  
8 the bill by adding Sections 622.013, 622.017, and 622.018,  
9 Transportation Code, to the list of repealed sections in the bill:

10           (2) Sections 502.252(b), 503.009(b), 503.029(b),  
11 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092,  
12 622.013, 622.017, 622.018, 623.0711(k), and 623.093(f),  
13 Transportation Code;

14           Explanation: The addition of text is necessary to eliminate a  
15 surety bond requirement applicable to owners of ready-mixed  
16 concrete trucks and penalties related to the requirement.