

By: Nichols

S.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

relating to the fines for and other enforcement of laws providing for the operation of oversize or overweight vehicles.

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

SECTION 1. Section 622.017, Transportation Code, as amended by Chapter 942 (S.B. 889), Acts of the 77th Legislature, Regular Session, 2001, and repealed by Chapter 941 (S.B. 886), Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

Sec. 622.017. PENALTY. ~~[(a)]~~ A person commits an offense if the person fails in violation of Section 622.013(c) to carry or present the copy of the bond filed with the department. An offense under this section ~~[subsection]~~ is a misdemeanor punishable by a fine not to exceed \$1,000 ~~[\$200]~~.

SECTION 2. Subchapter C, Chapter 622, Transportation Code, is amended by adding Section 622.033 to read as follows:

Sec. 622.033. PENALTIES. (a) A person commits an offense if the person violates Section 622.031. Except as provided by Subsections (b) and (c), an offense under this section is a misdemeanor punishable by a fine of not more than \$1,000.

(b) If it is shown at the trial of the offense that the defendant was previously convicted of an offense under Subsection (a) not earlier than one year before the trial date, the offense is a misdemeanor punishable by a fine of not more than \$2,500.

1 (c) If it is shown at the trial of the offense that the
2 defendant was previously convicted of an offense punishable under
3 this subsection or Subsection (b) not earlier than one year before
4 the trial date, the offense is a misdemeanor punishable by a fine of
5 not more than \$1,750.

6 SECTION 3. Section 622.072(c), Transportation Code, is
7 amended to read as follows:

8 (c) An offense under this section is a misdemeanor
9 punishable by a fine of not less than \$50 [~~\$10~~] or more than \$200
10 [~~\$100~~] for each unit.

11 SECTION 4. Sections 622.073(b) and (c), Transportation
12 Code, are amended to read as follows:

13 (b) Except as provided by Subsection (c), an offense under
14 this section is a misdemeanor punishable by a fine of not less than
15 \$200 [~~\$25~~] or more than \$750 [~~\$200~~].

16 (c) An offense under this section is a misdemeanor
17 punishable by a fine of not less than \$700 [~~\$200~~] or more than
18 \$1,500 [~~\$500~~], confinement in the county jail for a term of not less
19 than 60 days or more than 180 days, or both the fine and the
20 confinement if:

21 (1) the person committing the offense fails or refuses
22 to exhibit, on demand of a peace officer, a document that contains:

23 (A) the name, address, and telephone number of
24 the owner of the unit of special mobile equipment;

25 (B) the place of origin of the unit, including
26 the address of and telephone number at that point and the date the
27 unit was picked up;

1 (C) the destination of the unit, including the
2 address or telephone number;

3 (D) a description of the unit being transported,
4 including the manufacturer's serial number and other
5 identification numbers;

6 (E) a description of the motor vehicle
7 transporting the unit; and

8 (F) the name, address, and telephone number of
9 the person operating the motor vehicle transporting the unit;

10 (2) the person committing the offense exhibits a false
11 or forged document purporting to contain the information described
12 by Subdivision (1); or

13 (3) on inspection by the peace officer, the peace
14 officer determines that the identification number of the unit of
15 special mobile equipment has been removed, covered, or altered.

16 SECTION 5. Section 622.136, Transportation Code, is amended
17 to read as follows:

18 Sec. 622.136. PENALTY. (a) A person commits an offense if
19 the person fails in violation of Section 622.134(d) to carry or
20 present the copy of the bond filed with the department. Except as
21 provided by Subsections (b) and (c), an [An] offense under this
22 section is a misdemeanor punishable by a fine not to exceed \$1,000
23 [~~\$200~~].

24 (b) If it is shown at the trial of the offense that the
25 defendant was previously convicted of an offense under Subsection
26 (a) not earlier than one year before the trial date, the offense is
27 a misdemeanor punishable by a fine of not more than \$2,500.

1 (c) If it is shown at the trial of the offense that the
2 defendant was previously convicted of an offense punishable under
3 this subsection or Subsection (b) not earlier than one year before
4 the trial date, the offense is a misdemeanor punishable by a fine of
5 not more than \$1,750.

6 SECTION 6. Section 623.011(f), Transportation Code, is
7 amended to read as follows:

8 (f) A person commits an offense if the person fails to
9 display the sticker in the manner required by Subsection (d). An
10 offense under this subsection is a [~~Class C~~] misdemeanor punishable
11 by a fine of not less than \$250 or more than \$400. Section
12 623.019(g) applies to an offense under this subsection.

13 SECTION 7. Sections 623.019(b), (c), (d), and (f),
14 Transportation Code, are amended to read as follows:

15 (b) Except as provided by Subsections (c) and (d), an
16 offense under Subsection (a) is a misdemeanor punishable by a fine
17 of not less than \$2,500 [~~\$100~~] or more than \$5,000 [~~\$150~~].

18 (c) An offense under Subsection (a) is a misdemeanor and,
19 except as provided by Subsection (d), is punishable by a fine of:

20 (1) not less than \$500 [~~\$300~~] or more than \$750 [~~\$500~~]
21 if the offense involves a vehicle having a gross weight that is
22 heavier than 1,000 [~~5,000~~] but not heavier than 5,000 [~~10,000~~]
23 pounds over the vehicle's allowable gross weight; [~~or~~]

24 (2) not less than \$1,000 or more than \$2,500 if the
25 offense involves a vehicle having a gross weight that is heavier
26 than 5,000 pounds but not heavier than 10,000 pounds over the
27 vehicle's allowable gross weight;

1 (3) not less than \$3,000 or more than \$5,000 if the
2 offense involves a vehicle having a gross weight that is heavier
3 than 10,000 pounds but not heavier than 20,000 pounds over the
4 vehicle's allowable gross weight; or

5 (4) not less than \$10,000 [~~\$500~~] or more than \$25,000
6 [\$~~1,000~~] if the offense involves a vehicle having a gross weight
7 that is heavier than 20,000 [at least 10,000] pounds over [heavier
8 than] the vehicle's allowable gross weight.

9 (d) Except as otherwise provided by this section, on [On]
10 conviction before the first anniversary of the date of a previous
11 conviction under Subsection (a), an offense is punishable by a fine
12 in an amount that is twice the amount specified by Subsection (c).
13 On a second or subsequent conviction before the first anniversary
14 of the date of a previous conviction under Subsection (a), an
15 offense is punishable by a fine in an amount that is three times the
16 amount specified by Subsection (c) and forfeiture of the permit.

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

22 SECTION 8. Section 623.082(b), Transportation Code, is
23 amended to read as follows:

24 (b) Except as provided by Subsection (c), an offense under
25 this section is a misdemeanor punishable:

26 (1) by a fine of not more than \$2,500 [~~\$200~~];

27 (2) on conviction within one year after the date of a

1 prior conviction under this section that was punishable under
2 Subdivision (1), by a fine of not more than \$5,000 [~~\$500~~], by
3 confinement in the county jail for not more than 60 days, or by both
4 the fine and the confinement; or

5 (3) on conviction within one year after the date of a
6 prior conviction under this section that was punishable under
7 Subdivision (2) or this subdivision, by a fine of not more than
8 \$4,000 [~~\$1,000~~], by confinement in the county jail for not more than
9 six months, or by both the fine and the confinement.

10 SECTION 9. Section 623.104(b), Transportation Code, is
11 amended to read as follows:

12 (b) A person convicted of an offense under Subsection (a)
13 may also be assessed a civil penalty of not less than \$3,000 [~~\$200~~]
14 or more than \$5,000 [~~\$500~~] for failure to:

- 15 (1) obtain a permit;
- 16 (2) have a required rotating amber beacon on the
17 manufactured house or towing vehicle;
- 18 (3) provide a required escort flag vehicle; or
- 19 (4) have the required insurance.

20 SECTION 10. Section 623.105(b), Transportation Code, is
21 amended to read as follows:

22 (b) An offense under this section is a misdemeanor
23 punishable by a fine of \$5,000 [~~\$1,000~~].

24 SECTION 11. Subchapter G, Chapter 623, Transportation Code,
25 is amended by adding Section 623.151 to read as follows:

26 Sec. 623.151. CRIMINAL AND CIVIL PENALTIES. (a) A person
27 commits an offense if the person violates a provision of this

1 subchapter. An offense under this subsection is a Class C
2 misdemeanor.

3 (b) A person convicted of an offense under Subsection (a)
4 may also be assessed a civil penalty of not less than \$3,000 or more
5 than \$5,000 for failure to comply with a rule of the board or with a
6 condition placed on a permit issued under this subchapter. The
7 civil penalty:

8 (1) may be awarded by a court having jurisdiction over
9 a Class C misdemeanor; and

10 (2) shall be paid to the county in which the person was
11 convicted.

12 SECTION 12. Section 623.165, Transportation Code, is
13 amended to read as follows:

14 Sec. 623.165. PENALTY. (a) A person commits an offense if
15 the person fails in violation of Section 623.163(d) to carry or
16 present the copy of the bond filed with the department. An offense
17 under this section is a misdemeanor punishable by a fine not to
18 exceed \$2,000 [~~\$200~~].

19 (b) A person convicted of an offense under Subsection (a)
20 may also be assessed a civil penalty of not less than \$3,000 or more
21 than \$5,000 for failure to obtain a bond required by this
22 subchapter. The civil penalty:

23 (1) may be awarded by a court having jurisdiction over
24 misdemeanors; and

25 (2) shall be paid to the county in which the person was
26 convicted.

27 SECTION 13. Subchapter J, Chapter 623, Transportation Code,

1 is amended by adding Section 623.201 to read as follows:

2 Sec. 623.201. CRIMINAL AND CIVIL PENALTIES. (a) A person
3 commits an offense if the person violates a provision of this
4 subchapter. An offense under this subsection is a Class C
5 misdemeanor.

6 (b) A person convicted of an offense under Subsection (a)
7 may also be assessed a civil penalty of not less than \$3,000 or more
8 than \$5,000 for failure to comply with a rule of the board or with a
9 condition placed on a permit issued under this subchapter. The
10 civil penalty:

11 (1) may be awarded by a court having jurisdiction over
12 a Class C misdemeanor; and

13 (2) shall be paid to the county in which the person was
14 convicted.

15 SECTION 14. Subchapter K, Chapter 623, Transportation Code,
16 is amended by adding Section 623.220 to read as follows:

17 Sec. 623.220. CRIMINAL AND CIVIL PENALTIES. (a) A person
18 commits an offense if the person violates a provision of this
19 subchapter. An offense under this subsection is a misdemeanor
20 punishable by a fine of not less than \$500 or more than \$750.

21 (b) A person convicted of an offense under Subsection (a)
22 may also be assessed a civil penalty of not less than \$3,000 or more
23 than \$5,000 for violation of this subchapter. The civil penalty:

24 (1) may be awarded by a court having jurisdiction over
25 misdemeanors; and

26 (2) shall be paid to the county in which the person was
27 convicted.

1 SECTION 15. Subchapter L, Chapter 623, Transportation Code,
2 is amended by adding Section 623.240 to read as follows:

3 Sec. 623.240. CRIMINAL AND CIVIL PENALTIES. (a) A person
4 commits an offense if the person violates a provision of this
5 subchapter. An offense under this subsection is a misdemeanor
6 punishable by a fine of not less than \$500 or more than \$750.

7 (b) A person convicted of an offense under Subsection (a)
8 may also be assessed a civil penalty of not less than \$3,000 or more
9 than \$5,000 for failure to comply with a rule of the Texas
10 Transportation Commission related to a permit issued under this
11 subchapter. The civil penalty:

12 (1) may be awarded by a court having jurisdiction over
13 misdemeanors; and

14 (2) shall be paid to the county in which the person was
15 convicted.

16 SECTION 16. Subchapter M, Chapter 623, Transportation Code,
17 is amended by adding Section 623.260 to read as follows:

18 Sec. 623.260. CRIMINAL AND CIVIL PENALTIES. (a) A person
19 commits an offense if the person violates a provision of this
20 subchapter. An offense under this subsection is a misdemeanor
21 punishable by a fine of not less than \$500 or more than \$750.

22 (b) A person convicted of an offense under Subsection (a)
23 may also be assessed a civil penalty of not less than \$3,000 or more
24 than \$5,000 for failure to comply with a rule of the Texas
25 Transportation Commission related to a permit issued under this
26 subchapter. The civil penalty:

27 (1) may be awarded by a court having jurisdiction over

1 misdemeanors; and

2 (2) shall be paid to the county in which the person was
3 convicted.

4 SECTION 17. Subchapter O, Chapter 623, Transportation Code,
5 is amended by adding Section 623.289 to read as follows:

6 Sec. 623.289. CRIMINAL AND CIVIL PENALTIES. (a) A person
7 commits an offense if the person violates a provision of this
8 subchapter. An offense under this subsection is a misdemeanor
9 punishable by a fine of not less than \$500 or more than \$750.

10 (b) A person convicted of an offense under Subsection (a)
11 may also be assessed a civil penalty of not less than \$3,000 or more
12 than \$5,000 for failure to comply with a rule of the Texas
13 Transportation Commission related to a permit issued under this
14 subchapter. The civil penalty:

15 (1) may be awarded by a court having jurisdiction over
16 misdemeanors; and

17 (2) shall be paid to the county in which the person was
18 convicted.

19 SECTION 18. Subchapter P, Chapter 623, Transportation Code,
20 is amended by adding Section 623.311 to read as follows:

21 Sec. 623.311. CRIMINAL AND CIVIL PENALTIES. (a) A person
22 commits an offense if the person violates a provision of this
23 subchapter. An offense under this subsection is a misdemeanor
24 punishable by a fine of not less than \$500 or more than \$750.

25 (b) A person convicted of an offense under Subsection (a)
26 may also be assessed a civil penalty of not less than \$3,000 or more
27 than \$5,000 for failure to comply with a rule of the Texas

1 Transportation Commission related to a permit issued under this
2 subchapter. The civil penalty:

3 (1) may be awarded by a court having jurisdiction over
4 misdemeanors; and

5 (2) shall be paid to the county in which the person was
6 convicted.

7 SECTION 19. The changes in law made by this Act apply only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 20. This Act takes effect September 1, 2013.