

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

By: Nichols

S.R. No. 1090

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 83rd
2 Legislature, Regular Session, 2013, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 2741 (the regulation of motor vehicles by counties and the
6 Texas Department of Motor Vehicles; authorizing a fee; creating an
7 offense) to consider and take action on the following matters:

8 (1) Senate Rule 12.03(4) is suspended to permit the
9 committee to add text on a matter not included in either the house
10 or senate version of the bill by adding proposed SECTION 104 to the
11 bill, amending Section 622.012(b), Transportation Code, to read as
12 follows:

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

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

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

23 (2) Senate Rule 12.03(4) is suspended to permit the
24 committee to add text on a matter not included in either the house

1 or senate version of the bill by adding proposed SECTION 108 to the
2 bill, amending Sections 623.012(a) and (b), Transportation Code, to
3 read as follows:

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

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

11 (1) a blanket bond; or

12 (2) an irrevocable letter of credit issued by a
13 financial institution the deposits of which are guaranteed by the
14 Federal Deposit Insurance Corporation.

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

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

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

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

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

26 (3) provide that the issuer is to notify the Texas
27 Department of Transportation and the applicant in writing promptly

1 after a payment is made by the issuer on the bond or letter of
2 credit.

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

7 (3) Senate Rule 12.03(4) is suspended to permit the
8 committee to add text on a matter not included in either the house
9 or senate version of the bill by adding proposed SECTION 110 to the
10 bill, adding Section 623.0171, Transportation Code, to read as
11 follows:

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

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

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

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

22 (d) A permit issued under this section:

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

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

27 (e) When the department issues a permit under this section,

1 the department shall issue a sticker to be placed on the front
2 windshield of the vehicle above the inspection certificate issued
3 to the vehicle. The department shall design the form of the sticker
4 to aid in the enforcement of weight limits for vehicles.

5 (f) The sticker must:

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

7 (2) be removed from the vehicle when:

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

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

11 (C) the vehicle is sold.

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

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

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

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

1 displays a sticker required by Subsection (e) and does not exceed
2 the maximum gross weight authorized under Section 622.012.

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

6 (1) Of the fee collected under this section 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 and
10 distributed to the counties designated in permit applications under
11 Subsection (k) according to department rule.

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

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

19 (4) Senate Rule 12.03(4) is suspended to permit the
20 committee to add text on a matter not included in either the house
21 or senate version of the bill by adding proposed SECTION 119 to the
22 bill, adding Subchapter Q, Chapter 623, Transportation Code, to
23 read as follows:

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

26 SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

27 Sec. 623.321. PERMIT. (a) The department may issue a

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

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

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

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

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

22 (1) pay a permit fee of \$1,500;

23 (2) designate in the permit application the timber
24 producing counties described by Section 623.321(a) in which the
25 vehicle or combination of vehicles will be operated; and

26 (3) satisfy the security requirement of Section
27 623.012.

1 (b) A permit issued under this subchapter:

2 (1) is valid for one year; and

3 (2) must be carried in the vehicle for which it is
4 issued.

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

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

19 (1) the name and address of the financially
20 responsible party;

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

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

25 (4) the address or location of the geographic area in
26 which the financially responsible party wishes to operate a vehicle
27 or combination of vehicles and a designation of the specific route

1 of travel anticipated by the financially responsible party,
2 including the name or number of each road maintained by a county or
3 state highway;

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

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

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

1 is conducted under this subsection, a county or the Texas
2 Department of Transportation shall:

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

8 (2) provide a copy of the documentation to the
9 financially responsible party.

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

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

18 (2) provide a copy of the inspection documentation to
19 the financially responsible party.

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

25 (f) This section does not apply to a vehicle or combination
26 of vehicles that are being used to transport unrefined timber, wood
27 chips, or woody biomass from:

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

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

6 (1) 50 percent of the amount collected shall be
7 deposited to the credit of the state highway fund; and

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

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

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

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

26 Explanation: The addition of text is necessary to provide
27 for a permitting process to authorize a person to operate a vehicle

1 or combination of vehicles to transport unrefined timber, wood
2 chips, or woody biomass in certain counties.

3 (5) Senate Rule 12.03(4) is suspended to permit the
4 committee to add text on a matter not included in either the house
5 or senate version of the bill in proposed SECTION 140(2) of the bill
6 by adding Sections 622.013, 622.017, and 622.018, Transportation
7 Code, to the list of repealed sections in the bill:

8 (2) Sections 502.252(b), 503.009(b), 503.029(b),
9 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092,
10 622.013, 622.017, 622.018, 623.0711(k), and 623.093(f),
11 Transportation Code;

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