

BILL ANALYSIS

H.B. 1252
By: Pickett
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, weight enforcement officers are allowed to weigh vehicles with portable or stationary scales to determine if a loaded motor vehicle is in violation of state law. Interested parties contend that while stationary scales are normally designed in such a manner that accurate weights are routinely obtained, weights obtained with portable scales can vary for a number of reasons. The parties also contend that due to a recent increase in penalties for improper weights, many local governments are attempting to weigh vehicles despite the lack of training regarding the proper procedures for using portable scales. This can result in the citation of trucking companies for overweight vehicles when, in fact, the vehicles are of legal weight. H.B. 1252 seeks to address this issue by revising provisions relating to uniform weighing procedures for certain vehicles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

H.B. 1252 amends the Transportation Code to require the Department of Public Safety (DPS) to establish by rule uniform weighing procedures to ensure an accurate weight is obtained for a motor vehicle by a weight enforcement officer who has reason to believe that the single axle weight, tandem axle weight, or gross weight of a loaded motor vehicle is unlawful. The bill authorizes DPS to revoke or rescind the authority of a weight enforcement officer who fails to comply with those rules or a weight enforcement officer of a municipal police department, sheriff's department, or constable's office that fails to comply with those rules. The bill requires DPS to adopt the rules necessary to implement these provisions not later than January 1, 2016.

H.B. 1252 establishes an affirmative defense to prosecution of, or to an action enforcing vehicle size and weight limitations for, the offense of operating a vehicle with a single axle weight, tandem axle weight, or gross weight heavier than the weight authorized by law that at the time of the offense the weight enforcement officer failed to follow the weighing procedures established by DPS when determining the weight of the vehicle.

EFFECTIVE DATE

September 1, 2015.