

By: Pickett

H.B. No. 1252

A BILL TO BE ENTITLED

AN ACT

relating to uniform weighing procedures requirements for motor vehicle weight enforcement officers.

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

SECTION 1. Section 621.402, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) The Department of Public Safety:

(1) shall establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle; and

(2) may revoke or rescind the authority of:

(A) a weight enforcement officer who fails to comply with those rules; or

(B) weight enforcement officers of a municipal police department, sheriff's department, or constable's office that fails to comply with those rules.

SECTION 2. Section 621.508, Transportation Code, is amended to read as follows:

Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE OVER MAXIMUM ALLOWABLE [~~AXLE~~] WEIGHT. (a) It is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle:

1           (1) had a single axle weight or tandem axle weight that  
2 was not heavier than the axle weight authorized by law plus 12  
3 percent;

4           (2) was loaded with timber, pulp wood, wood chips, or  
5 cotton, livestock, or other agricultural products that are:

6                   (A) in their natural state; and

7                   (B) being transported from the place of  
8 production to the place of first marketing or first processing; and

9           (3) was not being operated on a portion of the national  
10 system of interstate and defense highways.

11           (b) It is an affirmative defense to prosecution of, or an  
12 action under Subchapter F for, the offense of operating a vehicle  
13 with a single axle weight, tandem axle weight, or gross weight  
14 heavier than the weight authorized by law that at the time of the  
15 offense the weight enforcement officer failed to follow the  
16 weighing procedures established under Section 621.402(e) when  
17 determining the weight of the vehicle.

18           SECTION 3. (a) Not later than January 1, 2016, the  
19 Department of Public Safety shall adopt rules necessary to  
20 implement Section 621.402(e), Transportation Code, as added by this  
21 Act.

22           (b) Section 621.508(b), Transportation Code, as added by  
23 this Act, applies only to an offense committed on or after the  
24 effective date of a rule adopted by the Department of Public Safety  
25 under this section. For purposes of this section, an offense was  
26 committed before the effective date of a rule adopted by the  
27 Department of Public Safety under this section if any element of the

1 offense occurred before that date.

2 (c) An offense committed before the effective date of a rule  
3 adopted by the Department of Public Safety under this section is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose.

6 SECTION 4. This Act takes effect September 1, 2015.