

By: Phillips

H.B. No. 2592

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation of ready-mixed concrete trucks on public
3 roadways in this state; modifying provisions subject to a criminal
4 penalty.

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

6 SECTION 1. Section 621.102(d), Transportation Code, is
7 amended to read as follows:

8 (d) A vehicle operating under a permit issued under Section
9 623.011, 623.0171, 623.071, 623.094, 623.121, 623.142, 623.181,
10 623.192, or 623.212 may operate under the conditions authorized by
11 the permit over a road for which the executive director of the Texas
12 Department of Transportation has set a maximum weight under this
13 section.

14 SECTION 2. Section 621.301(e), Transportation Code, is
15 amended to read as follows:

16 (e) A vehicle operating under a permit issued under Section
17 623.011, 623.0171, 623.071, 623.094, 623.121, 623.142, 623.181,
18 623.192, or 623.212 may operate under the conditions authorized by
19 the permit over a road for which the commissioners court has set a
20 maximum weight under this section.

21 SECTION 3. The heading to Section 622.011, Transportation
22 Code, is amended to read as follows:

23 Sec. 622.011. DEFINITIONS [~~DEFINITION~~]; DESIGNATION AS
24 PERISHABLE.

1 SECTION 4. Section 622.011(a), Transportation Code, is
2 amended to read as follows:

3 (a) In this subchapter:

4 (1) "Permissible axle weight tolerance" means, for
5 each axle, an axle weight that does not exceed the applicable axle
6 weight limitation provided in Section 622.012(a) by more than 10
7 percent.

8 (2) "Permissible gross weight tolerance" means a gross
9 weight that does not exceed the applicable gross weight limitation
10 provided in Section 622.012(b) by more than five percent.

11 (3) "Ready-mixed [~~,"~~ "~~ready-mixed~~] concrete truck"
12 means:

13 (A) [~~(1)~~] a vehicle designed exclusively to
14 transport or manufacture ready-mixed concrete and includes a
15 vehicle designed exclusively to transport and manufacture
16 ready-mixed concrete; [~~or~~]

17 (B) [~~(2)~~] a concrete pump truck; or

18 (C) a volumetric ready-mixed concrete truck.

19 SECTION 5. Section 622.012, Transportation Code, is amended
20 to read as follows:

21 Sec. 622.012. AXLE AND GROSS WEIGHT RESTRICTIONS. (a)
22 Except as provided by Subsection (c), a [A] ready-mixed concrete
23 truck may be operated on a public highway of this state only if:

24 (1) the tandem axle weight is not heavier than 46,000
25 pounds;

26 (2) [~~and~~] the single axle weight is not heavier than
27 23,000 pounds;

1 (3) the weight of any axle added behind the frame of
2 the truck is not heavier than 12,000 pounds; and

3 (4) the weight of any axle added below the frame of the
4 truck is not heavier than 8,000 pounds.

5 (b) Except as provided by Subsection (c), the gross weight
6 of a ready-mixed concrete truck may not exceed:

7 (1) 69,000 pounds if the truck has three axles;

8 (2) 70,100 pounds if the truck has four axles;

9 (3) 70,500 pounds if the truck has five axles;

10 (4) 75,500 pounds if the truck has six axles; or

11 (5) 80,000 pounds if the truck has more than six axles.

12 (c) A ready-mixed concrete truck may be operated within the
13 permissible axle weight tolerance and permissible gross weight
14 tolerance if [at a weight that exceeds the maximum single axle or
15 tandem axle weight limitation by not more than 10 percent if the
16 gross weight is not heavier than 69,000 pounds and] the department
17 has issued a permit that authorizes the operation of the vehicle
18 under Section 623.0171, provided that a permit issued under Section
19 623.0171 may not authorize the gross weight of a ready-mixed
20 concrete truck to exceed the permissible gross weight tolerance.

21 (d) The operation of a ready-mixed concrete truck in excess
22 of the permissible gross weight tolerance does not invalidate the
23 permissible axle weight tolerance authorized by a permit issued
24 under Section 623.0171.

25 SECTION 6. Section 623.0113, Transportation Code, is
26 amended to read as follows:

27 Sec. 623.0113. ROUTE RESTRICTIONS. (a) Except as provided

1 by Subsection (b), a permit issued under Section 623.011 or
2 623.0171 does not authorize the operation of a vehicle on:

3 (1) the national system of interstate and defense
4 highways in this state if the weight of the vehicle is greater than
5 authorized by federal law; or

6 (2) a bridge for which a maximum weight and load limit
7 has been established and posted by the Texas Transportation
8 Commission under Section 621.102 or the commissioners court of a
9 county under Section 621.301, if the gross weight of the vehicle and
10 load or the axles and wheel loads are greater than the limits
11 established and posted under those sections.

12 (b) The restrictions under Subsection (a)(2) do not apply if
13 a bridge described by Subsection (a)(2) provides the only public
14 vehicular access from an origin or to a destination by a holder of a
15 permit issued under Section 623.011 or 623.0171.

16 SECTION 7. Sections 623.0171(b), (h), (i), and (j),
17 Transportation Code, are amended to read as follows:

18 (b) The department may issue a permit that authorizes the
19 operation of a ready-mixed concrete truck in the manner prescribed
20 by Section 622.012(c) [~~with three axles~~].

21 (h) A [~~Unless otherwise provided by state or federal law, a~~]
22 county or municipality may not require a permit, fee, or license for
23 the operation of a ready-mixed concrete truck in addition to a
24 permit, fee, or license required by state law.

25 (i) Sections 622.014 and [~~Section~~] 622.015 do [~~does~~] not
26 apply to an owner of a ready-mixed concrete truck who holds a permit
27 under this section for the truck.

1 (j) A [~~Unless otherwise provided by state or federal~~
2 ~~law, a~~] ready-mixed concrete truck may operate on a state, county,
3 or municipal road, including a load-zoned county road or a frontage
4 road adjacent to a federal interstate highway, if the truck
5 displays a sticker required by Subsection (e) and does not exceed
6 the maximum gross weight authorized under Section [622.012](#).

7 SECTION 8. The change in law made by this Act applies 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 9. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section [39](#), Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2015.