

By: King of Hemphill

H.B. No. 2606

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the movement of special use vehicles on public  
3 highways; authorizing a fee; adding provisions subject to a  
4 criminal 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, 623.0172, 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, 623.0172, 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. Sections 621.506(a), (b), and (g),  
22 Transportation Code, are amended to read as follows:

23 (a) A person commits an offense if the person:

24 (1) operates a vehicle or combination of vehicles in

1 violation of Section 621.101, 622.012, 622.031, 622.041, 622.0435,  
2 622.051, 622.061, 622.133, 622.151, 622.953, or 623.162; or

3 (2) loads a vehicle or causes a vehicle to be loaded in  
4 violation of Section 621.503.

5 (b) Except as provided by Subsections (b-1), (b-2), and  
6 (b-3), an offense under this section is a misdemeanor punishable:

7 (1) by a fine of not less than \$100 and not more than  
8 \$250;

9 (2) on conviction of an offense involving a vehicle  
10 having a single axle weight, ~~[or]~~ tandem axle weight, triple axle  
11 weight, or quad axle weight that is heavier than the vehicle's  
12 allowable weight, by a fine according to the following schedule:

13	Pounds Overweight	Fine Range
14	less than 2,500	\$100 to \$500
15	2,500-5,000	\$500 to \$1,000
16	more than 5,000	\$1,000 to \$2,500; or

17 (3) on conviction of an offense involving a vehicle  
18 having a gross weight that is heavier than the vehicle's allowable  
19 weight, by a fine according to the following schedule:

20	Pounds Overweight	Fine Range
21	less than 2,500	\$100 to \$500
22	2,500-5,000	\$500 to \$1,000
23	5,001-10,000	\$1,000 to \$2,500
24	10,001-20,000	\$2,500 to \$5,000
25	20,001-40,000	\$5,000 to \$7,000
26	more than 40,000	\$7,000 to \$10,000.

27 (g) Except as provided by Subsection (h), a governmental

1 entity that collects a fine under this section for an offense  
2 involving a vehicle having a single axle weight, tandem axle  
3 weight, triple axle weight, quad axle weight, or gross weight that  
4 is more than 5,000 pounds heavier than the vehicle's allowable  
5 weight shall send an amount equal to 50 percent of the fine to the  
6 comptroller in the manner provided by Subchapter B, Chapter 133,  
7 Local Government Code.

8 SECTION 4. Chapter 622, Transportation Code, is amended by  
9 adding Subchapter K to read as follows:

10 SUBCHAPTER K. SPECIAL USE VEHICLES

11 Sec. 622.151. AXLE WEIGHT RESTRICTIONS. (a) In this  
12 section, "special use vehicle" means a self-propelled  
13 well-servicing unit.

14 (b) A special use vehicle may be operated on a public  
15 highway of this state only if:

16 (1) the quad axle weight is not heavier than 120,000  
17 pounds;

18 (2) the triple axle weight is not heavier than 90,000  
19 pounds;

20 (3) the tandem axle weight is not heavier than 65,000  
21 pounds; and

22 (4) the single axle weight is not heavier than 30,000  
23 pounds.

24 (c) A special use vehicle may be operated at a weight that  
25 exceeds the maximum single axle, tandem axle, triple axle, or quad  
26 axle weight limitation by not more than 10 percent if the gross  
27 weight is not heavier than 135,000 pounds and the department has

1 issued a permit that authorizes the operation of the vehicle under  
2 Section 623.0172.

3 Sec. 622.152. INTERSTATE AND DEFENSE HIGHWAYS. (a) This  
4 subchapter does not authorize the operation on the national system  
5 of interstate and defense highways in this state of a vehicle of a  
6 size or weight greater than those permitted under 23 U.S.C. Section  
7 127.

8 (b) If the United States authorizes the operation on the  
9 national system of interstate and defense highways of a vehicle of a  
10 size or weight greater than those permitted under 23 U.S.C. Section  
11 127 on September 1, 2015, the new limit automatically takes effect  
12 on the national system of interstate and defense highways in this  
13 state.

14 SECTION 5. Subchapter B, Chapter 623, Transportation Code,  
15 is amended by adding Section 623.0172 to read as follows:

16 Sec. 623.0172. PERMIT FOR SPECIAL USE VEHICLE. (a) In this  
17 section, "special use vehicle" has the meaning assigned by Section  
18 622.151.

19 (b) The department may issue a permit that authorizes the  
20 operation of a special use vehicle with not more than six axles.

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

24 (d) A permit issued under this section:

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

27 (2) must be carried in the vehicle for which it is

1 issued.

2 (e) When the department issues a permit under this section,  
3 the department shall issue a sticker to be placed on the front  
4 windshield of the vehicle. The department shall design the form of  
5 the sticker to aid in the enforcement of weight limits for vehicles.

6 (f) The sticker must:

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

8 (2) be removed from the vehicle when:

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

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

12 (C) the vehicle is sold.

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

18 (h) Unless otherwise provided by state or federal law, a  
19 county or municipality may not require a permit, fee, or license for  
20 the operation of a special use vehicle in addition to a permit, fee,  
21 or license required by state law.

22 (i) Unless otherwise provided by state or federal law, a  
23 special use vehicle may operate on a state, county, or municipal  
24 road, including a load-zoned county road or a frontage road  
25 adjacent to a federal interstate highway, if the vehicle displays a  
26 sticker required by Subsection (e) and does not exceed the maximum  
27 gross weight authorized under Section 622.151.

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

4        (k) Of the fee collected under this section for a permit:

5            (1) 50 percent of the amount collected shall be  
6 deposited to the credit of the state highway fund; and

7            (2) the other 50 percent shall be divided among and  
8 distributed to the counties designated in permit applications under  
9 Subsection (j) according to department rule.

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

14        SECTION 6. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2015.