

By: King of Hemphill

H.B. No. 3129

A BILL TO BE ENTITLED

AN ACT

relating to the operation of vehicles transporting milk;  
authorizing a fee.

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

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

(d) A vehicle operating under a permit issued under Section 623.011, 623.0172, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

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

(e) A vehicle operating under a permit issued under Section 623.011, 623.0172, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section.

SECTION 3. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. PERMIT FOR VEHICLES TRANSPORTING MILK. (a) The department shall issue a permit that authorizes the operation of a vehicle or combination of vehicles used to transport milk at a

1 gross weight that is not heavier than 90,000 pounds.

2 (b) To qualify for a permit under this section, a permit fee  
3 of \$500 must be paid, except as provided by Subsection (f).

4 (c) A permit issued under this section:

5 (1) is valid for one year, except as provided by  
6 Subsection (f); and

7 (2) must be carried in the vehicle for which it is  
8 issued.

9 (d) When the department issues a permit under this section,  
10 the department shall issue a sticker to be placed on the front  
11 windshield of the vehicle. The department shall design the form of  
12 the sticker to aid in the enforcement of weight limits for vehicles.

13 (e) The sticker must:

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

15 (2) be removed from the vehicle when:

16 (A) the permit for operation of the vehicle  
17 expires;

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

19 (C) the vehicle is sold.

20 (f) The department may issue a permit under this section  
21 that is valid for a period of less than one year. The department  
22 shall prorate the applicable fee required by Subsection (b) for a  
23 permit issued under this subsection as necessary to reflect the  
24 term of the permit.

25 (g) Unless otherwise provided by state or federal law, a  
26 county or municipality may not require a permit, fee, or license for  
27 the operation of a vehicle described by Subsection (a) in addition

1 to a permit, fee, or license required by state law.

2 (h) A vehicle described by Subsection (a) may operate on a  
3 state, county, or municipal road, including a load-zoned county  
4 road or a frontage road adjacent to a federal interstate highway, if  
5 the vehicle displays a sticker required by Subsection (d) and does  
6 not exceed the maximum gross weight authorized under Subsection  
7 (a).

8 (i) For the purposes of Subsection (j), the department by  
9 rule shall require an applicant to designate in the permit  
10 application the counties in which the applicant intends to operate.

11 (j) Of the fee collected under this section for a permit:

12 (1) 50 percent of the amount collected shall be  
13 deposited to the credit of the state highway fund; and

14 (2) the other 50 percent shall be divided among and  
15 distributed to the counties designated in permit applications under  
16 Subsection (i) according to department rule.

17 (k) At least once each fiscal year, the comptroller shall  
18 send the amount due each county under Subsection (j) to the county  
19 treasurer or officer performing the function of that office for  
20 deposit to the credit of the county road and bridge fund.

21 (l) This section does not authorize the operation on the  
22 national system of interstate and defense highways in this state of  
23 a vehicle of a size or weight greater than those permitted under 23  
24 U.S.C. Section 127.

25 (m) If the United States authorizes the operation on the  
26 national system of interstate and defense highways of a vehicle of a  
27 size or weight greater than those permitted under 23 U.S.C. Section

1 127 on September 1, 2015, the new limit automatically takes effect  
2 on the national system of interstate and defense highways in this  
3 state.

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