

BILL ANALYSIS

C.S.H.B. 2862
By: King, Ken
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns regarding the long distances tractor-trailer combinations transporting fluid milk must travel between dairies and fluid milk processing facilities and note that those tractor-trailers can now carry heavier loads of fluid milk because of manufacturing advances. C.S.H.B. 2862 seeks to address this situation by authorizing the issuance of a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that, in addition to other criteria, is not heavier than 90,000 pounds.

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 Texas Department of Motor Vehicles and the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2862 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems at a gross weight that is not heavier than 90,000 pounds and with axle weights that comply with statutory axle weight requirements. The bill prescribes the conditions under which a vehicle combination operating under the permit may exceed the maximum statutory axle weights for a two-axle group and a three-axle group and establishes that a certain affirmative defense to prosecution of, or an action for the enforcement of maximum vehicle size and weight for, the offense of operating a vehicle over the maximum allowable axle weight does not apply to these authorized excess weights. The bill requires a permit fee of \$1,200 to be paid to qualify for the permit, makes the permit valid for one year, and requires the permit to be carried in the truck-tractor for which it is issued.

C.S.H.B. 2862 requires TxDMV, when issuing such a permit to transport fluid milk, to issue a permit sticker to be placed on the front windshield of the truck-tractor and requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits for vehicles. The bill requires the sticker to indicate the permit's expiration date and to be removed from the truck-tractor when the permit expires, when a lease of the truck-tractor expires, or when the truck-tractor is sold. The bill requires an applicant for the permit to designate in the permit application the counties in which the applicant intends to operate and establishes that an issued permit is not valid in a county that is not designated in the permit application. The bill requires 75 percent of the amount of the fee collected for the permit to be deposited to the credit of the state highway fund, 15 percent of the amount collected to be divided equally among and

distributed to the counties designated in the permit application, and 10 percent of the amount collected to be deposited to the credit of the TxDMV fund. The bill requires the comptroller of public accounts, at least once each fiscal year, to send the amount due each county for the fee to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

C.S.H.B. 2862 authorizes a vehicle combination operating under a permit to transport fluid milk to operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays the required sticker and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit. The bill establishes that a permit to transport fluid milk authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation (TxDOT). The bill establishes that a permit to transport fluid milk does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established by a county commissioners court and posted. The bill prohibits a county or municipality, unless otherwise provided by state or federal law, from requiring a permit, fee, or license for the operation of a vehicle combination to which a permit to transport fluid milk applies in addition to a permit, fee, or license required by state law. The bill establishes that a permit to transport fluid milk issued under the bill's provisions is the only permit issued by TxDMV that may be used to transport fluid milk. The bill requires TxDMV to adopt rules necessary to implement the bill's provisions regarding vehicles transporting fluid milk and requires the Department of Public Safety to adopt rules requiring additional safety and driver training for a permit to transport fluid milk. The bill includes such a permit among the permits for which TxDOT is required to provide TxDMV with all routing information necessary for completion.

EFFECTIVE DATE

January 1, 2018.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2862 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, ~~[or] 623.321, or 623.401~~ ~~[as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ 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.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

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, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, ~~[or] 623.321, or 623.401~~ ~~[as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ 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. Section 621.508, Transportation Code, is amended.

SECTION 4. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. VEHICLES
TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK. (a) The department may issue a permit that authorizes the operation of a vehicle combination used to transport fluid milk:

(1) at a gross weight that is not heavier than 90,000 pounds; and

(2) with axle weights that comply with the requirements of Section 621.101(a), except as authorized by Subsection (b).

(b) A vehicle combination operating under a permit issued under Subsection (a) may exceed the axle weights listed in Section 621.101(a) for the following axle groups if the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and:

(1) a two-axle group does not exceed 36,500 pounds; and

(2) a three-axle group does not exceed 42,500 pounds.

(c) To qualify for a permit under this

No equivalent provision.

SECTION 1. Same as introduced version.

SECTION 2. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. VEHICLES
TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK. (a) The department may issue a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems:

(1) at a gross weight that is not heavier than 90,000 pounds; and

(2) with axle weights that comply with the requirements of Section 621.101(a), except as authorized by Subsection (b).

(b) A vehicle combination operating under a permit issued under Subsection (a) may exceed the axle weights listed in Section 621.101(a) for the following axle groups if the overall distance between the first axle of the truck-tractor and the first axle of the first consecutive set of tandem axles is 15 feet or more, the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and:

(1) a two-axle group does not exceed 36,500 pounds; and

(2) a three-axle group does not exceed 42,500 pounds.

(c) To qualify for a permit under this

subchapter, a permit fee of \$1,200 must be paid.

(d) A permit issued under this subchapter:

- (1) is valid for one year; and
- (2) must be carried in the vehicle for which it is issued.

(e) A vehicle issued a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the vehicle displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

Sec. 623.402. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) The sticker must:

- (1) indicate the expiration date of the permit; and
- (2) be removed from the vehicle when:

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

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE.

Sec. 623.404. ROUTE RESTRICTIONS.

subchapter, a permit fee of \$1,200 must be paid.

(d) A permit issued under this subchapter:

- (1) is valid for one year; and
- (2) must be carried in the truck-tractor for which it is issued.

Sec. 623.402. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the truck-tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) The sticker must:

- (1) indicate the expiration date of the permit; and
- (2) be removed from the truck-tractor when:

(A) the permit for operation of the vehicle combination expires;

(B) a lease of the truck-tractor expires; or

(C) the truck-tractor is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE.

Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(b) A permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(a) Except as provided by Subsection (b), a permit issued under this subchapter does not authorize the operation of a vehicle combination on a bridge for which a maximum weight and load limit has been established and posted under Section 621.102 or 621.301, if the gross weight of the vehicle combination and load or the axles and wheel loads are greater than the limits established and posted under those sections.

(b) The restrictions under Subsection (a) do not apply if a bridge described by that subsection provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under this subchapter.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED.

Sec. 623.406. EXCLUSIVE PERMIT. No other permit under this chapter may be used to transport fluid milk, provided that a vehicle combination operating under a permit issued under this subchapter may be operated in accordance with a permit issued under Subchapter K, L, M, O, P, S, or T.

No equivalent provision.

SECTION 5. This Act takes effect January 1, 2018.

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(c) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED.

Sec. 623.406. EXCLUSIVE PERMIT. A permit issued under this subchapter is the only permit issued by the department under this chapter that may be used to transport fluid milk.

Sec. 623.407. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

(b) The Department of Public Safety shall adopt rules requiring additional safety and driver training for permits issued under this subchapter.

SECTION 3. Section 623.003(b), Transportation Code, is amended to read as follows:

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, ~~623.192~~, or 623.401.

SECTION 4. Same as introduced version.

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