

BILL ANALYSIS

C.S.H.B. 3255
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that more regulation is needed with respect to vehicles operating on Texas roads while carrying oversize or overweight loads to preserve both the safety of Texas drivers and the longevity of the state's transportation infrastructure. C.S.H.B. 3255 seeks to provide this expanded regulation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3255 amends the Transportation Code to expand the prohibition against a person loading, or causing to be loaded, a vehicle for operation on a Texas public highway that exceeds the weight limitations for the lawful operation of that vehicle to include that conduct with respect to a vehicle that exceeds the height, width, or length limitations for the lawful operation of that vehicle.

C.S.H.B. 3255 creates a Class C misdemeanor offense for a person who operates or moves on a public highway a vehicle that is issued an oversize or overweight vehicle permit and is not the person named on the permit for the vehicle. The bill authorizes the Texas Department of Motor Vehicles (TxDMV) to deny an application for such a permit submitted by an applicant who is the subject of an out-of-service order issued by the Federal Motor Carrier Safety Administration. The bill expressly does not require such a denial to be preceded by notice and an opportunity for hearing but authorizes such an applicant to appeal a denial by filing an appeal with TxDMV not later than the 26th day after the date TxDMV issues notice of the denial to the applicant. The bill requires ten percent of the fee collected for an oversize or overweight vehicle permit authorized by the legislature on or after September 1, 2019, to be deposited to the credit of the TxDMV fund with the remaining fee distribution to be adjusted proportionately, if needed. The bill makes this requirement inapplicable if a statutory provision relating to vehicle size and weight expressly requires a different amount of a fee collected to be deposited to the credit of the TxDMV fund.

C.S.H.B. 3255 removes the requirements of a shipper for the shipper's certificate of weight to be considered valid and instead requires a shipper, on the written request of the person transporting the shipment, to certify that the information contained on the certificate of weight is accurate and to deliver the certificate of weight to the person transporting the shipment. The bill authorizes

TxDMV to investigate and impose an administrative penalty on a shipper who does not provide a shipper's certificate of weight so required. The bill requires a person transporting a shipment to provide TxDMV with a copy of the certificate of weight before the issuance of an overweight permit if the combined weight of the vehicle or vehicles and load is more than 200,000 pounds.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3255 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. The heading to Section 621.503, Transportation Code, is amended.

SECTION 1. Same as introduced version.

SECTION 2. Sections 621.503(a) and (b), Transportation Code, are amended.

SECTION 2. Same as introduced version.

SECTION 3. Subchapter G, Chapter 621, Transportation Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Subchapter A, Chapter 623, Transportation Code, is amended by adding Sections 623.004 and 623.005 to read as follows:

SECTION 4. Subchapter A, Chapter 623, Transportation Code, is amended by adding Sections 623.004 and 623.005 to read as follows:

Sec. 623.004. DENIAL OF PERMIT: OUT-OF-SERVICE MOTOR CARRIER.

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Sec. 623.005. DISPOSITION OF PERMIT FEE IN TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. (a) This section applies only to a permit authorized by the legislature on or after September 1, 2017.

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(b) Ten percent of the fee collected for a permit issued by the department under this subtitle shall be deposited to the credit of the Texas Department of Motor Vehicles fund with the remaining fee distribution to be adjusted proportionately, if needed.

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(c) Subsection (b) does not apply if a provision of this subtitle expressly requires a different amount of a fee collected to be deposited to the credit of the Texas Department of Motor Vehicles fund.

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SECTION 5. The heading to Section 623.272, Transportation Code, is amended.

SECTION 5. Same as introduced version.

SECTION 6. Section 623.272(a), Transportation Code, is amended.

SECTION 6. Same as introduced version.

SECTION 7. Section 623.274, Transportation Code, is amended.

SECTION 7. Same as introduced version.

SECTION 8. (a) The changes in law made by this Act apply only to an offense or violation committed on or after the effective date of this Act. An offense or violation committed before the effective date of this Act is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 8. (a) The changes in law made by this Act apply only to an offense or violation committed on or after the effective date of this Act. An offense or violation committed before the effective date of this Act is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

(b) The change in law made by this Act relating to an application filed under Chapter 623, Transportation Code, applies only to an application filed under that chapter on or after the effective date of this Act. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act relating to an application filed under Chapter 623, Transportation Code, applies only to an application filed under that chapter on or after the effective date of this Act. An application filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2017.

SECTION 9. Same as introduced version.