

By: King of Hemphill

H.B. No. 2862

Substitute the following for H.B. No. 2862:

By: Morrison

C.S.H.B. No. 2862

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation of vehicles transporting fluid milk;
3 authorizing a fee.

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

5 SECTION 1. Section 621.508, Transportation Code, is amended
6 by amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) Except as provided by Subsection (a-1), it ~~is~~ is an
9 affirmative defense to prosecution of, or an action under
10 Subchapter F for, the offense of operating a vehicle with a single
11 axle weight or tandem axle weight heavier than the axle weight
12 authorized by law that at the time of the offense the vehicle:

13 (1) had a single axle weight or tandem axle weight that
14 was not heavier than the axle weight authorized by law plus 12
15 percent;

16 (2) was loaded with timber, pulp wood, wood chips, or
17 cotton, livestock, or other agricultural products that are:

18 (A) in their natural state; and

19 (B) being transported from the place of
20 production to the place of first marketing or first processing; and

21 (3) was not being operated on a portion of the national
22 system of interstate and defense highways.

23 (a-1) The affirmative defense provided by Subsection (a)
24 does not apply to the excess weights authorized under Section

1 623.401(b).

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

4 SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

5 Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK.

6 (a) The department may issue a permit authorizing the movement of
7 fluid milk by a truck-tractor and semitrailer combination that has
8 six total axles and is equipped with a roll stability support safety
9 system and truck blind spot systems:

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

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

15 (b) A vehicle combination operating under a permit issued
16 under Subsection (a) may exceed the axle weights listed in Section
17 621.101(a) for the following axle groups if the overall distance
18 between the first axle of the truck-tractor and the first axle of
19 the first consecutive set of tandem axles is 15 feet or more, the
20 overall distance between the first and last axles of two
21 consecutive sets of tandem axles is 36 feet or more, the distance
22 between each individual axle in each axle group, measured from the
23 center of the axle, is between 48 inches and 54 inches, and:

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

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

27 (c) To qualify for a permit under this subchapter, a permit

1 fee of \$1,200 must be paid.

2 (d) A permit issued under this subchapter:

3 (1) is valid for one year; and

4 (2) must be carried in the truck-tractor for which it
5 is issued.

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

11 (b) The sticker must:

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

13 (2) be removed from the truck-tractor when:

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

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

17 (C) the truck-tractor is sold.

18 Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE. (a)
19 An applicant for a permit under this subchapter must designate in
20 the permit application the counties in which the applicant intends
21 to operate. A permit issued under this subchapter is not valid in a
22 county that is not designated in the permit application.

23 (b) Of the fee collected under this subchapter for a permit:

24 (1) 75 percent of the amount collected shall be
25 deposited to the credit of the state highway fund;

26 (2) 15 percent of the amount collected shall be
27 divided equally among and distributed to the counties designated in

1 the permit application; and

2 (3) 10 percent of the amount collected shall be
3 deposited to the credit of the Texas Department of Motor Vehicles
4 fund.

5 (c) At least once each fiscal year, the comptroller shall
6 send the amount due each county under Subsection (b) to the county
7 treasurer or officer performing the function of that office for
8 deposit to the credit of the county road and bridge fund.

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

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

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

25 Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS
26 PROHIBITED. Unless otherwise provided by state or federal law, a
27 county or municipality may not require a permit, fee, or license for

1 the operation of a vehicle combination described by Section
2 623.401(a) or (b) in addition to a permit, fee, or license required
3 by state law.

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

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

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

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

15 (b) The Texas Department of Transportation shall provide
16 the department with all routing information necessary to complete a
17 permit issued under Section 623.071, 623.121, 623.142, [~~or~~]
18 623.192, or 623.401.

19 SECTION 4. This Act takes effect January 1, 2018.