

By: King of Hemphill

H.B. No. 2862

A BILL TO BE ENTITLED

AN ACT

relating to the operation of vehicles transporting fluid 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, 623.071, 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.

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 by amending Subsection (a) and adding Subsection (a-1) to read as

1 follows:

2 (a) Except as provided by Subsection (a-1), it [~~It~~] is an
3 affirmative defense to prosecution of, or an action under
4 Subchapter F for, the offense of operating a vehicle with a single
5 axle weight or tandem axle weight heavier than the axle weight
6 authorized by law that at the time of the offense the vehicle:

7 (1) had a single axle weight or tandem axle weight that
8 was not heavier than the axle weight authorized by law plus 12
9 percent;

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

12 (A) in their natural state; and

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

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

17 (a-1) The affirmative defense provided by Subsection (a)
18 does not apply to the excess weights authorized under Section
19 623.401(b).

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

22 SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

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

24 (a) The department may issue a permit that authorizes the operation
25 of a vehicle combination used to transport fluid milk:

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

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

4 (b) A vehicle combination operating under a permit issued
5 under Subsection (a) may exceed the axle weights listed in Section
6 621.101(a) for the following axle groups if the overall distance
7 between the first and last axles of two consecutive sets of tandem
8 axles is 36 feet or more, the distance between each individual axle
9 in each axle group, measured from the center of the axle, is between
10 48 inches and 54 inches, and:

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

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

14 (c) To qualify for a permit under this subchapter, a permit
15 fee of \$1,200 must be paid.

16 (d) A permit issued under this subchapter:

17 (1) is valid for one year; and

18 (2) must be carried in the vehicle for which it is
19 issued.

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

27 Sec. 623.402. PERMIT STICKER. (a) When the department

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

5 (b) The sticker must:

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

7 (2) be removed from the vehicle when:

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

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

11 (C) the vehicle is sold.

12 Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE. (a)

13 An applicant for a permit under this subchapter must designate in
14 the permit application the counties in which the applicant intends
15 to operate. A permit issued under this subchapter is not valid in a
16 county that is not designated in the permit application.

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

18 (1) 75 percent of the amount collected shall be
19 deposited to the credit of the state highway fund;

20 (2) 15 percent of the amount collected shall be
21 divided equally among and distributed to the counties designated in
22 the permit application; and

23 (3) 10 percent of the amount collected shall be
24 deposited to the credit of the Texas Department of Motor Vehicles
25 fund.

26 (c) At least once each fiscal year, the comptroller shall
27 send the amount due each county under Subsection (b) to the county

1 treasurer or officer performing the function of that office for
2 deposit to the credit of the county road and bridge fund.

3 Sec. 623.404. ROUTE RESTRICTIONS. (a) Except as provided
4 by Subsection (b), a permit issued under this subchapter does not
5 authorize the operation of a vehicle combination on a bridge for
6 which a maximum weight and load limit has been established and
7 posted under Section 621.102 or 621.301, if the gross weight of the
8 vehicle combination and load or the axles and wheel loads are
9 greater than the limits established and posted under those
10 sections.

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

15 Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS
16 PROHIBITED. Unless otherwise provided by state or federal law, a
17 county or municipality may not require a permit, fee, or license for
18 the operation of a vehicle combination described by Section
19 623.401(a) or (b) in addition to a permit, fee, or license required
20 by state law.

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

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