

By: Phillips

H.B. No. 3255

Substitute the following for H.B. No. 3255:

By: Morrison

C.S.H.B. No. 3255

A BILL TO BE ENTITLED

1 AN ACT
2 relating to motor vehicle size and weight limitations, including
3 the enforcement of those limitations; creating a criminal offense.

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

5 SECTION 1. The heading to Section 621.503, Transportation
6 Code, is amended to read as follows:

7 Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR
8 WEIGHT LIMITATION.

9 SECTION 2. Sections 621.503(a) and (b), Transportation
10 Code, are amended to read as follows:

11 (a) A person may not load, or cause to be loaded, a vehicle
12 for operation on a public highway of this state that exceeds the
13 height, width, length, or weight limitations for operation of that
14 vehicle provided by this subtitle [~~Section 621.101~~].

15 (b) Intent to violate a weight limitation is presumed if the
16 weight of the loaded vehicle is heavier than the applicable axle or
17 gross weight limit by 15 percent or more.

18 SECTION 3. Subchapter G, Chapter 621, Transportation Code,
19 is amended by adding Section 621.511 to read as follows:

20 Sec. 621.511. NAME ON PERMIT; OFFENSE. (a) A person
21 commits an offense if:

22 (1) the person operates or moves on a public highway a
23 vehicle that is issued a permit under this subtitle; and

24 (2) the person operating or moving the vehicle is not

1 the person named on the permit for the vehicle.

2 (b) An offense under this section is a Class C misdemeanor.

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

6 Sec. 623.004. DENIAL OF PERMIT: OUT-OF-SERVICE MOTOR
7 CARRIER. (a) The department may deny an application for a permit
8 under this subtitle submitted by an applicant who is the subject of
9 an out-of-service order issued by the Federal Motor Carrier Safety
10 Administration.

11 (b) A denial of an application for a permit under this
12 section is not required to be preceded by notice and an opportunity
13 for hearing.

14 (c) An applicant may appeal a denial under this section by
15 filing an appeal with the department not later than the 26th day
16 after the date the department issues notice of the denial to the
17 applicant.

18 Sec. 623.005. DISPOSITION OF PERMIT FEE IN TEXAS DEPARTMENT
19 OF MOTOR VEHICLES FUND. (a) This section applies only to a permit
20 authorized by the legislature on or after September 1, 2019.

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

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

1 Vehicles fund.

2 SECTION 5. The heading to Section 623.272, Transportation
3 Code, is amended to read as follows:

4 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE
5 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

6 SECTION 6. Section 623.272(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department may investigate and impose an
9 administrative penalty on a shipper who:

10 (1) does not provide a shipper's certificate of weight
11 required under Section 623.274(b); or

12 (2) provides false information on a shipper's
13 certificate of weight that the shipper delivers to a person
14 transporting a shipment.

15 SECTION 7. Section 623.274, Transportation Code, is amended
16 by amending Subsection (b) and adding Subsection (c) to read as
17 follows:

18 (b) On the written request of the person transporting the
19 shipment, a [~~For a shipper's certificate of weight to be valid, the~~]
20 shipper must:

21 (1) certify that the information contained on the
22 certificate of weight [~~form~~] is accurate; and

23 (2) deliver the certificate of weight to the person
24 transporting the shipment [~~motor carrier or other person~~
25 ~~transporting the shipment before the motor carrier or other person~~
26 ~~applies for an overweight permit under this chapter~~].

27 (c) A person transporting a shipment must provide the

1 department with a copy of the certificate of weight before the
2 issuance of an overweight permit under this chapter if the combined
3 weight of the vehicle or vehicles and load is more than 200,000
4 pounds.

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

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

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