

By: Phillips

H.B. No. 3255

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

(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, 2017.

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 section,  
11 an offense or violation was committed before the effective date of  
12 this Act if any element of the offense or violation occurred before  
13 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.