

1-1 By: Perry S.B. No. 1383
 1-2 (In the Senate - Filed March 7, 2017; March 16, 2017, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 3, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1383 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the operation of vehicles transporting fluid milk;
 1-22 authorizing a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 621.508, Transportation Code, is amended
 1-25 by amending Subsection (a) and adding Subsection (a-1) to read as
 1-26 follows:

1-27 (a) Except as provided by Subsection (a-1), it [~~it~~] is an
 1-28 affirmative defense to prosecution of, or an action under
 1-29 Subchapter F for, the offense of operating a vehicle with a single
 1-30 axle weight or tandem axle weight heavier than the axle weight
 1-31 authorized by law that at the time of the offense the vehicle:

1-32 (1) had a single axle weight or tandem axle weight that
 1-33 was not heavier than the axle weight authorized by law plus 12
 1-34 percent;

1-35 (2) was loaded with timber, pulp wood, wood chips, or
 1-36 cotton, livestock, or other agricultural products that are:

1-37 (A) in their natural state; and

1-38 (B) being transported from the place of
 1-39 production to the place of first marketing or first processing; and
 1-40 (3) was not being operated on a portion of the national
 1-41 system of interstate and defense highways.

1-42 (a-1) The affirmative defense provided by Subsection (a)
 1-43 does not apply to the excess weights authorized under Section
 1-44 623.401(b).

1-45 SECTION 2. Chapter 623, Transportation Code, is amended by
 1-46 adding Subchapter U to read as follows:

1-47 SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

1-48 Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK.

1-49 (a) The department may issue a permit authorizing the movement of
 1-50 fluid milk by a truck-tractor and semitrailer combination that has
 1-51 six total axles and is equipped with a roll stability support safety
 1-52 system and truck blind spot systems:

1-53 (1) at a gross weight that is not heavier than 90,000
 1-54 pounds; and

1-55 (2) with axle weights that comply with the
 1-56 requirements of Section 621.101(a), except as authorized by
 1-57 Subsection (b).

1-58 (b) A vehicle combination operating under a permit issued
 1-59 under Subsection (a) may exceed the axle weights listed in Section
 1-60 621.101(a) for the following axle groups if the overall distance

2-1 between the first axle of the truck-tractor and the first axle of
2-2 the first consecutive set of tandem axles is 15 feet or more, the
2-3 overall distance between the first and last axles of two
2-4 consecutive sets of tandem axles is 36 feet or more, the distance
2-5 between each individual axle in each axle group, measured from the
2-6 center of the axle, is between 48 inches and 54 inches, and:

- 2-7 (1) a two-axle group does not exceed 36,500 pounds;
- 2-8 and
- 2-9 (2) a three-axle group does not exceed 42,500 pounds.

2-10 (c) To qualify for a permit under this subchapter, a permit
2-11 fee of \$1,200 must be paid.

- 2-12 (d) A permit issued under this subchapter:
- 2-13 (1) is valid for one year; and
- 2-14 (2) must be carried in the truck-tractor for which it
2-15 is issued.

2-16 Sec. 623.402. PERMIT STICKER. (a) When the department
2-17 issues a permit under this subchapter, the department shall issue a
2-18 sticker to be placed on the front windshield of the truck-tractor.
2-19 The department shall design the form of the sticker to aid in the
2-20 enforcement of weight limits for vehicles.

- 2-21 (b) The sticker must:
- 2-22 (1) indicate the expiration date of the permit; and
- 2-23 (2) be removed from the truck-tractor when:
- 2-24 (A) the permit for operation of the vehicle
2-25 combination expires;
- 2-26 (B) a lease of the truck-tractor expires; or
- 2-27 (C) the truck-tractor is sold.

2-28 Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE.
2-29 (a) An applicant for a permit under this subchapter must designate
2-30 in the permit application the counties in which the applicant
2-31 intends to operate. A permit issued under this subchapter is not
2-32 valid in a county that is not designated in the permit application.

- 2-33 (b) Of the fee collected under this subchapter for a permit:
- 2-34 (1) 75 percent of the amount collected shall be
2-35 deposited to the credit of the state highway fund;
- 2-36 (2) 15 percent of the amount collected shall be
2-37 divided equally among and distributed to the counties designated in
2-38 the permit application; and
- 2-39 (3) 10 percent of the amount collected shall be
2-40 deposited to the credit of the Texas Department of Motor Vehicles
2-41 fund.

2-42 (c) At least once each fiscal year, the comptroller shall
2-43 send the amount due each county under Subsection (b) to the county
2-44 treasurer or officer performing the function of that office for
2-45 deposit to the credit of the county road and bridge fund.

2-46 Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided
2-47 by Subsection (b), a vehicle combination operating under a permit
2-48 under this subchapter may operate on a federal interstate highway
2-49 or a state, county, or municipal road, including a load-zoned
2-50 county road or a frontage road adjacent to a federal interstate
2-51 highway, if the truck-tractor displays a sticker required by
2-52 Section 623.402 and the vehicle combination does not exceed the
2-53 maximum axle or gross weight applicable to the combination under
2-54 the terms of the permit.

2-55 (b) A permit issued under this subchapter authorizes the
2-56 operation of a truck-tractor and semitrailer combination only on
2-57 highways and roads approved by the Texas Department of
2-58 Transportation.

2-59 Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS
2-60 PROHIBITED. Unless otherwise provided by state or federal law, a
2-61 county or municipality may not require a permit, fee, or license for
2-62 the operation of a vehicle combination described by Section
2-63 623.401(a) or (b) in addition to a permit, fee, or license required
2-64 by state law.

2-65 Sec. 623.406. EXCLUSIVE PERMIT. A permit issued under this
2-66 subchapter is the only permit issued by the department under this
2-67 chapter that may be used to transport fluid milk.

2-68 Sec. 623.407. RULES. (a) The department shall adopt rules
2-69 necessary to implement this subchapter, including rules governing

3-1 the application for a permit under this subchapter.

3-2 (b) The Department of Public Safety shall adopt rules
3-3 requiring additional safety and driver training for permits issued
3-4 under this subchapter.

3-5 SECTION 3. Section 623.003(b), Transportation Code, is
3-6 amended to read as follows:

3-7 (b) The Texas Department of Transportation shall provide
3-8 the department with all routing information necessary to complete a
3-9 permit issued under Section 623.071, 623.121, 623.142, [~~or~~]
3-10 623.192, or 623.401.

3-11 SECTION 4. This Act takes effect January 1, 2018.

3-12

* * * * *