

BILL ANALYSIS

Senate Research Center
86R19847 JAM-D

H.B. 799
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The occurrence of bridge strikes has risen in recent years, causing significant safety concerns for vehicular and pedestrian traffic around many of the state's most traveled roadways. Many of these strikes are the result of oversized vehicles that do not meet the posted bridge height limitations. In 2018, there were 82 such strikes for which data is currently available, compared to 156 total bridge strikes between 2013 and 2017. The costs of repairs for these damages exceeds more than \$20 million, and less than \$3.6 million has been collected from the parties responsible for the damage.

H.B. 799 seeks to address this issue by creating a Class B misdemeanor offense for the operation of a vehicle without the applicable license or permit that results in damage to a bridge or underpass because of the height of the vehicle. Under the provisions of the bill, such an act would be a Class C misdemeanor if the driver was operating the vehicle in accordance with the applicable permit and license. H.B. 799 holds the owner of the vehicle strictly liable for any damages unless the vehicle was stolen, being operated under the immediate direction of law enforcement, was being operated in compliance with a permit authorized by the Texas Department of Motor Vehicles or other political subdivision, or the vertical clearance of the structure was less than posted.

H.B. 799 amends current law relating to liability for certain damage caused by vehicles exceeding maximum height limitations, and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.207(c), Transportation Code, as follows:

(c) Makes nonsubstantive changes. Provides that the owner of a vehicle is strictly liable for any damage to a bridge, underpass, or similar structure that is caused by the height of the vehicle unless at the time the damage was caused:

- (1) the vehicle was stolen;
- (2) the vertical clearance of the structure was less than that posted on the structure;
- (3) the vehicle was being operated under the immediate direction of a law enforcement agency; or
- (4) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the Texas Department of Motor Vehicles (TxDMV) or a political subdivision of this state.

Deletes existing text providing that any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle is the responsibility of the owner of the vehicle.

SECTION 2. Amends Section 621.504, Transportation Code, as follows:

Sec. 621.504. New heading: BRIDGE OR UNDERPASS CLEARANCE; OFFENSE. (a) Creates this subsection from existing text. Provides that a person commits an offense if the person operates or attempts to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the Texas Department of Transportation (TxDOT), rather than prohibiting a person from operating or attempting to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of TxDOT.

(b) Provides that, except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) Provides that, if it is shown on the trial of an offense under this section that the person was not in compliance with all applicable license and permit requirements for the operation of the vehicle, an offense under this section is a Class B misdemeanor punishable by:

(1) a fine not to exceed \$500;

(2) confinement in county jail for a term not to exceed 30 days; or

(3) both the fine and the confinement.

(d) Provides that it is an affirmative defense to prosecution of an offense under this section that at the time of the offense:

(1) the vertical clearance of the structure was less than that posted on the structure;

(2) the vehicle was being operated under the immediate direction of a law enforcement agency; or

(3) the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by TxDMV or a political subdivision of this state.

SECTION 3. Amends Section 623.148(b), Transportation Code, as follows:

(b) Makes a nonsubstantive change. Provides that, except as provided by Section 621.207 (Maximum Height), the owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

SECTION 4. Amends Section 623.198(b), Transportation Code, as follows:

(b) Makes a nonsubstantive change. Provides that, except as provided by Section 621.207, the owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

SECTION 5. Makes application of Sections 621.207(c), 623.148(b), and 623.198(b), Transportation Code, as amended by this Act, prospective.

SECTION 6. Makes application of Section 621.504, Transportation Code, as amended by this Act, prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. Effective date: September 1, 2019.