By:  Springer H.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to reducing the criminal penalty for the operation of overweight vehicles transporting agricultural products.

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

SECTION 1.  Section 623.019, Transportation Code, is amended by amending Subsections (b) and (c) and adding Subsections (i) and (j) to read as follows:

(b)  Except as provided by Subsections (c), [~~and~~] (d), (i), and (j), an offense under Subsection (a) is a misdemeanor punishable by a fine of not less than $100 or more than $250.

(c)  An offense under Subsection (a) is a misdemeanor and, except as provided by Subsections [~~Subsection~~] (d) and (i), is punishable by a fine according to the following schedules if the offense involves a vehicle:

(1)  having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight:

|  |  |  |
| --- | --- | --- |
|  | Pounds Overweight | Fine Range |
|  | less than 2,500 | $100 to $500 |
|  | 2,500-5,000 | $500 to $1,000 |
|  | more than 5,000 | $1,000 to $2,500; or |

(2)  having a gross weight that is heavier than the vehicle's allowable gross weight:

|  |  |  |
| --- | --- | --- |
|  | Pounds Overweight | Fine Range |
|  | less than 2,500 | $100 to $500 |
|  | 2,500-5,000 | $500 to $1,000 |
|  | 5,001-10,000 | $1,000 to $2,500 |
|  | 10,001-20,000 | $2,500 to $5,000 |
|  | 20,001-40,000 | $5,000 to $7,000 |
|  | more than 40,000 | $7,000 to $10,000 |

(i)  An offense under Subsection (a) is a misdemeanor punishable by a fine in an amount not to exceed 50 percent of the fine assessed under Subsection (c) if the offense involves a vehicle originally loaded:

(1)  proportionally over the axles;

(2)  primarily with agricultural products; and

(3)  five miles or more from an international border crossing.

(j)  If it is shown on the trial of an offense under Subsection (a) that the defendant has previously been convicted one or more times of an offense punishable under Subsection (i), the offense is punishable by, as applicable:

(1)  a fine according to the schedules as provided by Subsection (c); or

(2)  a fine calculated in the manner described by Subsection (d).

SECTION 2.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.