

By: Landgraf, Craddick, Darby, Canales

H.B. No. 799

Substitute the following for H.B. No. 799:

By: Martinez

C.S.H.B. No. 799

A BILL TO BE ENTITLED

AN ACT

relating to liability for certain damage caused by vehicles exceeding maximum height limitations; creating a criminal offense.

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

SECTION 1. Section 621.207(c), Transportation Code, is amended to read as follows:

(c) The owner of a vehicle is strictly liable for any ~~[Any]~~ damage to a bridge, underpass, or similar structure that is caused by the height of the ~~[a]~~ 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 department or a political subdivision of this state ~~[is the responsibility of the owner of the vehicle]~~.

SECTION 2. Section 621.504, Transportation Code, is amended to read as follows:

Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE; OFFENSE. (a) A person commits an offense if the person operates ~~[may not operate]~~ or attempts ~~[attempt]~~ to operate a vehicle over or on a bridge or

1 through an underpass or similar structure unless the height of the
2 vehicle, including load, is less than the vertical clearance of the
3 structure as shown by the records of the Texas Department of
4 Transportation.

5 (b) Except as provided by Subsection (c), an offense under
6 this section is a Class C misdemeanor.

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

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

13 (2) confinement in county jail for a term not to exceed
14 30 days; or

15 (3) both the fine and the confinement.

16 (d) It is an affirmative defense to prosecution of an
17 offense under this section that at the time of the offense:

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

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

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

25 SECTION 3. Section [623.148\(b\)](#), Transportation Code, is
26 amended to read as follows:

27 (b) Except as provided by Section [621.207](#), the ~~The~~ owner

1 of a vehicle involved in the movement of an oversize or overweight
2 vehicle, even if a permit has been issued for the movement, is
3 strictly liable for any damage the movement causes the highway
4 system or any of its structures or appurtenances.

5 SECTION 4. Section 623.198(b), Transportation Code, is
6 amended to read as follows:

7 (b) Except as provided by Section 621.207, the ~~[The]~~ owner
8 of a vehicle involved in the movement of an oversize or overweight
9 vehicle, even if a permit has been issued for the movement, is
10 strictly liable for any damage the movement causes the highway
11 system or any of its structures or appurtenances.

12 SECTION 5. Sections 621.207(c), 623.148(b), and
13 623.198(b), Transportation Code, as amended by this Act, apply only
14 to damage that occurs on or after the effective date of this Act.
15 Damage that occurs before the effective date of this Act is governed
16 by the law in effect immediately before the effective date of this
17 Act, and that law is continued in effect for that purpose.

18 SECTION 6. Section 621.504, Transportation Code, as amended
19 by this Act, applies only to an offense committed on or after the
20 effective date of this Act. An offense committed before the
21 effective date of this Act is governed by the law in effect on the
22 date the offense was committed, and the former law is continued in
23 effect for that purpose. For purposes of this section, an offense
24 was committed before the effective date of this Act if any element
25 of the offense occurred before that date.

26 SECTION 7. This Act takes effect September 1, 2019.