

By: Springer

H.B. No. 1831

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reducing the criminal penalty for the operation of
3 overweight vehicles transporting agricultural products.

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

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

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

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

15 (1) having a single axle weight or tandem axle weight
16 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

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

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500

1	2,500-5,000	\$500 to \$1,000
2	5,001-10,000	\$1,000 to \$2,500
3	10,001-20,000	\$2,500 to \$5,000
4	20,001-40,000	\$5,000 to \$7,000
5	more than 40,000	\$7,000 to \$10,000

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

- 10 (1) proportionally over the axles;
11 (2) primarily with agricultural products; and
12 (3) five miles or more from an international border
13 crossing.

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

- 18 (1) a fine according to the schedules as provided by
19 Subsection (c); or
20 (2) a fine calculated in the manner described by
21 Subsection (d).

22 SECTION 2. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.