

1-1 By: Martinez (Senate Sponsor - Rodríguez) H.B. No. 2620  
1-2 (In the Senate - Received from the House May 10, 2019;  
1-3 May 10, 2019, read first time and referred to Committee on  
1-4 Transportation; May 19, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2620 By: Hancock

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

1-21 relating to the movement of oversize or overweight vehicles,  
1-22 including the enforcement of motor vehicle size and weight  
1-23 limitations; creating a criminal offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 541.001, Transportation Code, is amended  
1-26 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
1-27 follows:

1-28 (1) "Escort flagger" has the meaning assigned by  
1-29 Section 623.008.

1-30 (1-a) "Operator" means, as used in reference to a  
1-31 vehicle, a person who drives or has physical control of a vehicle.

1-32 SECTION 2. Section 542.501, Transportation Code, is amended  
1-33 to read as follows:

1-34 Sec. 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS, ~~[AND~~  
1-35 ~~TO]~~ SCHOOL CROSSING GUARDS, AND ESCORT FLAGGERS. A person may not  
1-36 wilfully fail or refuse to comply with a lawful order or direction  
1-37 of:

1-38 (1) a police officer; ~~[or]~~

1-39 (2) a school crossing guard who:

1-40 (A) is performing crossing guard duties in a  
1-41 school crosswalk to stop and yield to a pedestrian; or

1-42 (B) has been trained under Section 600.004 and is  
1-43 directing traffic in a school crossing zone; or

1-44 (3) an escort flagger who is directing or controlling  
1-45 the flow of traffic in accordance with a permit issued by the Texas  
1-46 Department of Motor Vehicles under Subtitle E for the movement of an  
1-47 oversize or overweight vehicle.

1-48 SECTION 3. Section 544.004(a), Transportation Code, is  
1-49 amended to read as follows:

1-50 (a) The operator of a vehicle or streetcar shall comply with  
1-51 an applicable official traffic-control device placed as provided by  
1-52 this subtitle unless the person is:

1-53 (1) otherwise directed by a traffic officer, ~~[or]~~  
1-54 police officer, or escort flagger; or

1-55 (2) operating an authorized emergency vehicle and is  
1-56 subject to exceptions under this subtitle.

1-57 SECTION 4. The heading to Section 621.503, Transportation  
1-58 Code, is amended to read as follows:

1-59 Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR  
1-60 WEIGHT LIMITATION.

2-1 SECTION 5. Sections 621.503(a) and (b), Transportation  
2-2 Code, are amended to read as follows:

2-3 (a) A person may not load, or cause to be loaded, a vehicle  
2-4 for operation on a public highway of this state that exceeds the  
2-5 height, width, length, or weight limitations for operation of that  
2-6 vehicle provided by this subtitle [~~Section 621.101~~].

2-7 (b) Intent to violate a weight limitation is presumed if the  
2-8 weight of the loaded vehicle is heavier than the applicable axle or  
2-9 gross weight limit by 15 percent or more.

2-10 SECTION 6. Subchapter G, Chapter 621, Transportation Code,  
2-11 is amended by adding Section 621.511 to read as follows:

2-12 Sec. 621.511. NAME ON PERMIT; OFFENSE. (a) A person  
2-13 commits an offense if:

2-14 (1) the person operates or moves on a public highway a  
2-15 vehicle that is issued a permit under this subtitle; and

2-16 (2) the person operating or moving the vehicle is not  
2-17 the person named on the permit for the vehicle or an employee of  
2-18 that person.

2-19 (b) An offense under this section is a Class C misdemeanor.

2-20 (c) It is an exception to the application of this section  
2-21 that:

2-22 (1) the vehicle being operated or moved is a  
2-23 combination of a tow truck and a disabled, abandoned, or  
2-24 accident-damaged vehicle or vehicle combination; and

2-25 (2) the tow truck is towing the other vehicle or  
2-26 vehicle combination directly to the nearest terminal, vehicle  
2-27 storage facility, or authorized place of repair.

2-28 SECTION 7. Subchapter A, Chapter 623, Transportation Code,  
2-29 is amended by adding Sections 623.004, 623.005, 623.006, 623.007,  
2-30 and 623.008 to read as follows:

2-31 Sec. 623.004. DENIAL OF PERMIT. (a) The department may  
2-32 deny an application for a permit under this subtitle submitted by an  
2-33 applicant who:

2-34 (1) is the subject of an out-of-service order issued  
2-35 by the Federal Motor Carrier Safety Administration; or

2-36 (2) the Department of Public Safety has determined  
2-37 has:

2-38 (A) an unsatisfactory safety rating under 49  
2-39 C.F.R. Part 385; or

2-40 (B) multiple violations of Chapter 644, a rule  
2-41 adopted under that chapter, or Subtitle C.

2-42 (b) A denial of an application for a permit under this  
2-43 section is not required to be preceded by notice and an opportunity  
2-44 for hearing.

2-45 (c) An applicant may appeal a denial under this section by  
2-46 filing an appeal with the department not later than the 26th day  
2-47 after the date the department issues notice of the denial to the  
2-48 applicant.

2-49 Sec. 623.005. DISPOSITION OF PERMIT FEE IN TEXAS DEPARTMENT  
2-50 OF MOTOR VEHICLES FUND. (a) This section applies only to a permit  
2-51 authorized by the legislature on or after September 1, 2019.

2-52 (b) Ten percent of the fee collected for a permit issued by  
2-53 the department under this subtitle shall be deposited to the credit  
2-54 of the Texas Department of Motor Vehicles fund with the remaining  
2-55 fee distribution to be adjusted proportionately, if needed.

2-56 (c) Subsection (b) does not apply if a provision of this  
2-57 subtitle expressly requires a different amount of a fee collected  
2-58 to be deposited to the credit of the Texas Department of Motor  
2-59 Vehicles fund.

2-60 Sec. 623.006. DISPOSITION AND USE OF PERMIT FEES DUE TO  
2-61 COUNTY OR MUNICIPALITY. Except as otherwise specified by this  
2-62 subtitle:

2-63 (1) at least once each fiscal year, the comptroller  
2-64 shall send from fees collected for a permit issued by the department  
2-65 under this chapter any amounts due to a county or municipality;

2-66 (2) amounts due to a county must be sent to the county  
2-67 treasurer or office performing the function of that office for  
2-68 deposit to the credit of the county road and bridge fund; and

2-69 (3) amounts due to a municipality must be sent to the

3-1 office performing the function of treasurer for the municipality  
3-2 and may be used by the municipality only to fund commercial motor  
3-3 vehicle enforcement programs or road and bridge maintenance or  
3-4 infrastructure projects.

3-5 Sec. 623.007. PERMIT TO BE CARRIED IN VEHICLE. A permit  
3-6 issued by the department under this subtitle must be carried, in a  
3-7 manner prescribed by the department, in the vehicle that is being  
3-8 operated under the permit.

3-9 Sec. 623.008. AUTHORITY TO REQUIRE ESCORT FLAG VEHICLES AND  
3-10 ESCORT FLAGGERS. (a) In this section:

3-11 (1) "Escort flag vehicle" means a vehicle that  
3-12 precedes or follows an oversize or overweight vehicle operating  
3-13 under a permit issued by the department for the purpose of  
3-14 facilitating the safe movement of the oversize or overweight  
3-15 vehicle over roads.

3-16 (2) "Escort flagger" means a person who:

3-17 (A) has successfully completed a training  
3-18 program in traffic direction as defined by the basic peace officer  
3-19 course curriculum established by the Texas Commission on Law  
3-20 Enforcement; and

3-21 (B) in accordance with a permit issued by the  
3-22 department under this subtitle, operates an escort flag vehicle or  
3-23 directs and controls the flow of traffic using a hand signaling  
3-24 device or an automated flagger assistance device.

3-25 (b) In addition to any other specific requirement under this  
3-26 subtitle, the department may require a person operating under a  
3-27 permit issued by the department under this subtitle to use one or  
3-28 more escort flag vehicles and escort flaggers if required:

3-29 (1) by the Texas Department of Transportation; or

3-30 (2) for the safe movement over roads of an oversize or  
3-31 overweight vehicle and its load.

3-32 SECTION 8. Section 623.099, Transportation Code, is amended  
3-33 by adding Subsection (g) to read as follows:

3-34 (g) A county or municipality may not require the use of an  
3-35 escort flag vehicle or any other kind of escort for the movement of  
3-36 a manufactured house under a permit issued under this subchapter  
3-37 that is in addition to the escort flag vehicle requirements of this  
3-38 section.

3-39 SECTION 9. The heading to Section 623.272, Transportation  
3-40 Code, is amended to read as follows:

3-41 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE  
3-42 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

3-43 SECTION 10. Section 623.272(a), Transportation Code, is  
3-44 amended to read as follows:

3-45 (a) The department may investigate and impose an  
3-46 administrative penalty on a shipper who:

3-47 (1) does not provide a shipper's certificate of weight  
3-48 required under Section 623.274(b); or

3-49 (2) provides false information on a shipper's  
3-50 certificate of weight that the shipper delivers to a person  
3-51 transporting a shipment.

3-52 SECTION 11. Section 623.274, Transportation Code, is  
3-53 amended by amending Subsection (b) and adding Subsection (c) to  
3-54 read as follows:

3-55 (b) On the written request of the person transporting the  
3-56 shipment, a ~~For a shipper's certificate of weight to be valid, the~~  
3-57 shipper must:

3-58 (1) certify that the information contained on the  
3-59 certificate of weight ~~form~~ is accurate; and

3-60 (2) deliver the certificate of weight to the person  
3-61 transporting the shipment ~~motor carrier or other person~~  
3-62 ~~transporting the shipment before the motor carrier or other person~~  
3-63 ~~applies for an overweight permit under this chapter.~~

3-64 (c) A person transporting a shipment must provide the  
3-65 department with a copy of the certificate of weight before the  
3-66 issuance of an overweight permit under this chapter if the combined  
3-67 weight of the vehicle or vehicles and load is more than 200,000  
3-68 pounds.

3-69 SECTION 12. Section 623.321(a), Transportation Code, is

4-1 amended to read as follows:

4-2 (a) The department may issue a permit under this subchapter,  
4-3 as an alternative to a permit issued under Section 623.011,  
4-4 authorizing a person to operate a vehicle or combination of  
4-5 vehicles that is being used to transport unrefined timber, wood  
4-6 chips, or woody biomass or equipment used to load timber on a  
4-7 vehicle in a county identified as a timber producing county in the  
4-8 most recent edition of the Texas A&M Forest Service's Harvest  
4-9 Trends Report as of May 15, 2013, at the weight limits prescribed by  
4-10 Subsection (b).

4-11 SECTION 13. Section 623.323(f), Transportation Code, is  
4-12 amended to read as follows:

4-13 (f) This section does not apply to a vehicle or combination  
4-14 of vehicles that are being used to transport unrefined timber, wood  
4-15 chips, or woody biomass or equipment used to load timber on a  
4-16 vehicle from:

- 4-17 (1) a storage yard to the place of first processing; or
- 4-18 (2) outside this state to a place of first processing
- 4-19 in this state.

4-20 SECTION 14. The following provisions of the Transportation  
4-21 Code are repealed:

- 4-22 (1) Sections 623.0171(m), 623.081, and 623.324(b);
- 4-23 (2) Section 623.403(c), as added by Chapter 750 (S.B.  
4-24 1383), Acts of the 85th Legislature, Regular Session, 2017; and
- 4-25 (3) Sections 623.404(b) and (c), as added by Chapter  
4-26 108 (S.B. 1524), Acts of the 85th Legislature, Regular Session,  
4-27 2017.

4-28 SECTION 15. Section 621.511, Transportation Code, as added  
4-29 by this Act, applies only to a vehicle that is issued a permit under  
4-30 Subtitle E, Title 7, Transportation Code, on or after the effective  
4-31 date of this Act.

4-32 SECTION 16. (a) The changes in law made by this Act apply  
4-33 only to an offense or violation committed on or after the effective  
4-34 date of this Act. An offense or violation committed before the  
4-35 effective date of this Act is governed by the law in effect on the  
4-36 date the offense or violation was committed, and the former law is  
4-37 continued in effect for that purpose. For purposes of this  
4-38 subsection, an offense or violation was committed before the  
4-39 effective date of this Act if any element of the offense or  
4-40 violation occurred before that date.

4-41 (b) The change in law made by this Act relating to an  
4-42 application filed under Chapter 623, Transportation Code, applies  
4-43 only to an application filed under that chapter on or after the  
4-44 effective date of this Act. An application filed before that date  
4-45 is governed by the law in effect on the date the application was  
4-46 filed, and the former law is continued in effect for that purpose.

4-47 SECTION 17. To the extent of any conflict, this Act prevails  
4-48 over another Act of the 86th Legislature, Regular Session, 2019,  
4-49 relating to nonsubstantive additions to and corrections in enacted  
4-50 codes.

4-51 SECTION 18. This Act takes effect September 1, 2019.

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