

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Martinez

H.B. No. 2620

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

SECTION 2. Section 542.501, Transportation Code, is amended  
to read as follows:

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

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

(2) a school crossing guard who:

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

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

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

5           SECTION 3. Section 544.004(a), Transportation Code, is  
6 amended to read as follows:

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

10           (1) otherwise directed by a traffic officer, ~~[or]~~  
11 police officer, or escort flagger; or

12           (2) operating an authorized emergency vehicle and is  
13 subject to exceptions under this subtitle.

14           SECTION 4. The heading to Section 621.503, Transportation  
15 Code, is amended to read as follows:

16           Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR  
17 WEIGHT LIMITATION.

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

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

24           (b) Intent to violate a weight limitation is presumed if the  
25 weight of the loaded vehicle is heavier than the applicable axle or  
26 gross weight limit by 15 percent or more.

27           SECTION 6. Subchapter G, Chapter 621, Transportation Code,

is amended by adding Section 621.511 to read as follows:

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

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

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

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

(c) It is an exception to the application of this section that:

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

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

SECTION 7. Subchapter Z, Chapter 622, Transportation Code, is amended by adding Section 622.956 to read as follows:

Sec. 622.956. OVER-THE-ROAD BUS. (a) In this section, "over-the-road bus" has the meaning assigned by 42 U.S.C. Section 12181.

(b) An over-the-road bus may be operated on a public highway of this state only if the gross weight and tires of the bus conform to Section 621.101 and:

(1) the single axle weight is not heavier than 24,000 pounds; or

1           (2) the tandem axle weight does not exceed the maximum  
2 tandem axle weight under Section 621.101 by more than 20 percent.

3           (c) An over-the-road bus may only operate under this  
4 subchapter on a highway or road approved by the department.

5           SECTION 8. Subchapter A, Chapter 623, Transportation Code,  
6 is amended by adding Sections 623.004, 623.005, 623.006, 623.007,  
7 and 623.008 to read as follows:

8           Sec. 623.004. DENIAL OF PERMIT. (a) The department may  
9 deny an application for a permit under this subtitle submitted by an  
10 applicant who:

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

13           (2) the Department of Public Safety has determined  
14 has:

15                   (A) an unsatisfactory safety rating under 49  
16 C.F.R. Part 385; or

17                   (B) multiple violations of Chapter 644, a rule  
18 adopted under that chapter, or Subtitle C.

19           (b) A denial of an application for a permit under this  
20 section is not required to be preceded by notice and an opportunity  
21 for hearing.

22           (c) An applicant may appeal a denial under this section by  
23 filing an appeal with the department not later than the 26th day  
24 after the date the department issues notice of the denial to the  
25 applicant.

26           Sec. 623.005. DISPOSITION OF PERMIT FEE IN TEXAS DEPARTMENT  
27 OF MOTOR VEHICLES FUND. (a) This section applies only to a permit

1 authorized by the legislature on or after September 1, 2019.

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

6 (c) Subsection (b) does not apply if a provision of this  
7 subtitle expressly requires a different amount of a fee collected  
8 to be deposited to the credit of the Texas Department of Motor  
9 Vehicles fund.

10 Sec. 623.006. DISPOSITION AND USE OF PERMIT FEES DUE TO  
11 COUNTY OR MUNICIPALITY. Except as otherwise specified by this  
12 subtitle:

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

16 (2) amounts due to a county must be sent to the county  
17 treasurer or office performing the function of that office for  
18 deposit to the credit of the county road and bridge fund; and

19 (3) amounts due to a municipality must be sent to the  
20 office performing the function of treasurer for the municipality  
21 and may be used by the municipality only to fund commercial motor  
22 vehicle enforcement programs or road and bridge maintenance or  
23 infrastructure projects.

24 Sec. 623.007. PERMIT TO BE CARRIED IN VEHICLE. A permit  
25 issued by the department under this subtitle must be carried, in a  
26 manner prescribed by the department, in the vehicle that is being  
27 operated under the permit.

1       Sec. 623.008. AUTHORITY TO REQUIRE ESCORT FLAG VEHICLES AND  
2 ESCORT FLAGGERS. (a) In this section:

3               (1) "Escort flag vehicle" means a vehicle that  
4 precedes or follows an oversize or overweight vehicle operating  
5 under a permit issued by the department for the purpose of  
6 facilitating the safe movement of the oversize or overweight  
7 vehicle over roads.

8               (2) "Escort flagger" means a person who:

9                       (A) has successfully completed a training  
10 program in traffic direction as defined by the basic peace officer  
11 course curriculum established by the Texas Commission on Law  
12 Enforcement; and

13                      (B) in accordance with a permit issued by the  
14 department under this subtitle, operates an escort flag vehicle or  
15 directs and controls the flow of traffic using a hand signaling  
16 device or an automated flagger assistance device.

17       (b) In addition to any other specific requirement under this  
18 subtitle, the department may require a person operating under a  
19 permit issued by the department under this subtitle to use one or  
20 more escort flag vehicles and escort flaggers if required:

21                      (1) by the Texas Department of Transportation; or

22                      (2) for the safe movement over roads of an oversize or  
23 overweight vehicle and its load.

24       SECTION 9. Section 623.0172(b), Transportation Code, is  
25 amended to read as follows:

26       (b) The department shall issue an annual permit for the  
27 international transportation of an intermodal shipping container

moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 95,000 [~~93,000~~] pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

(4) the semitrailer is configured as follows:

(A) one three-axle group that does not exceed 49,195 pounds, in which no axle in the group exceeds 16,400 pounds; and

(B) the distance between the individual axles in the three-axle group of the semitrailer, measured longitudinally, is 60 inches.

SECTION 10. Section 623.099, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) A county or municipality may not require the use of an

1 escort flag vehicle or any other kind of escort for the movement of  
2 a manufactured house under a permit issued under this subchapter  
3 that is in addition to the escort flag vehicle requirements of this  
4 section.

5 SECTION 11. The heading to Section 623.272, Transportation  
6 Code, is amended to read as follows:

7 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE  
8 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

9 SECTION 12. Section 623.272(a), Transportation Code, is  
10 amended to read as follows:

11 (a) The department may investigate and impose an  
12 administrative penalty on a shipper who:

13 (1) does not provide a shipper's certificate of weight  
14 required under Section 623.274(b); or

15 (2) provides false information on a shipper's  
16 certificate of weight that the shipper delivers to a person  
17 transporting a shipment.

18 SECTION 13. Section 623.274, Transportation Code, is  
19 amended by amending Subsection (b) and adding Subsection (c) to  
20 read as follows:

21 (b) On the written request of the person transporting the  
22 shipment, a [~~For a shipper's certificate of weight to be valid, the~~]  
23 shipper must:

24 (1) certify that the information contained on the  
25 certificate of weight [~~form~~] is accurate; and

26 (2) deliver the certificate of weight to the person  
27 transporting the shipment [~~motor carrier or other person~~]



~~transporting the shipment before the motor carrier or other person  
applies for an overweight permit under this chapter].~~

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

SECTION 14. The following provisions of the Transportation  
Code are repealed:

(1) Sections 623.0171(m), 623.081, and 623.324(b);

(2) Section 623.403(c), as added by Chapter 750 (S.B.  
1383), Acts of the 85th Legislature, Regular Session, 2017; and

(3) Sections 623.404(b) and (c), as added by Chapter  
108 (S.B. 1524), Acts of the 85th Legislature, Regular Session,  
2017.

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

SECTION 16. (a) The changes in law made by this Act apply  
only to an offense or violation committed on or after the effective  
date of this Act. An offense or violation committed before the  
effective date of this Act is governed by the law in effect on the  
date the offense or violation was committed, and the former law is  
continued in effect for that purpose. For purposes of this  
subsection, an offense or violation was committed before the  
effective date of this Act if any element of the offense or

1 violation occurred before that date.

2 (b) The change in law made by this Act relating to an  
3 application filed under Chapter 623, Transportation Code, applies  
4 only to an application filed under that chapter on or after the  
5 effective date of this Act. An application filed before that date  
6 is governed by the law in effect on the date the application was  
7 filed, and the former law is continued in effect for that purpose.

8 SECTION 17. To the extent of any conflict, this Act prevails  
9 over another Act of the 86th Legislature, Regular Session, 2019,  
10 relating to nonsubstantive additions to and corrections in enacted  
11 codes.

12 SECTION 18. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Letay Shaw*  
Secretary of the Senate

By: Rodriguez

H.B. No. 2620

Substitute the following for H.B. No. 2620:

By: *[Signature]*

C.S. H.B. No. 2620

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the movement of oversize or overweight vehicles,  
3 including the enforcement of motor vehicle size and weight  
4 limitations; creating a criminal offense.

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

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

9 (1) "Escort flagger" has the meaning assigned by  
10 Section 623.008.

11 (1-a) "Operator" means, as used in reference to a  
12 vehicle, a person who drives or has physical control of a vehicle.

13 SECTION 2. Section 542.501, Transportation Code, is amended  
14 to read as follows:

15 Sec. 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS, [AND  
16 ~~TO~~] SCHOOL CROSSING GUARDS, AND ESCORT FLAGGERS. A person may not  
17 wilfully fail or refuse to comply with a lawful order or direction  
18 of:

19 (1) a police officer; [~~or~~]

20 (2) a school crossing guard who:

21 (A) is performing crossing guard duties in a  
22 school crosswalk to stop and yield to a pedestrian; or

23 (B) has been trained under Section 600.004 and is  
24 directing traffic in a school crossing zone; or

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

5           SECTION 3. Section 544.004(a), Transportation Code, is  
6 amended to read as follows:

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

10           (1) otherwise directed by a traffic officer, [~~or~~]  
11 police officer, or escort flagger; or

12           (2) operating an authorized emergency vehicle and is  
13 subject to exceptions under this subtitle.

14           SECTION 4. The heading to Section 621.503, Transportation  
15 Code, is amended to read as follows:

16           Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR  
17 WEIGHT LIMITATION.

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

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

24           (b) Intent to violate a weight limitation is presumed if the  
25 weight of the loaded vehicle is heavier than the applicable axle or  
26 gross weight limit by 15 percent or more.

27           SECTION 6. Subchapter G, Chapter 621, Transportation Code,

1 is amended by adding Section 621.511 to read as follows:

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

4 (1) the person operates or moves on a public highway a  
5 vehicle that is issued a permit under this subtitle; and

6 (2) the person operating or moving the vehicle is not  
7 the person named on the permit for the vehicle or an employee of  
8 that person.

9 (b) An offense under this section is a Class C misdemeanor.

10 (c) It is an exception to the application of this section  
11 that:

12 (1) the vehicle being operated or moved is a  
13 combination of a tow truck and a disabled, abandoned, or  
14 accident-damaged vehicle or vehicle combination; and

15 (2) the tow truck is towing the other vehicle or  
16 vehicle combination directly to the nearest terminal, vehicle  
17 storage facility, or authorized place of repair.

18 SECTION 7. Subchapter A, Chapter 623, Transportation Code,  
19 is amended by adding Sections 623.004, 623.005, 623.006, 623.007,  
20 and 623.008 to read as follows:

21 Sec. 623.004. DENIAL OF PERMIT. (a) The department may  
22 deny an application for a permit under this subtitle submitted by an  
23 applicant who:

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

26 (2) the Department of Public Safety has determined  
27 has:

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

3                   (B) multiple violations of Chapter 644, a rule  
4 adopted under that chapter, or Subtitle C.

5           (b) A denial of an application for a permit under this  
6 section is not required to be preceded by notice and an opportunity  
7 for hearing.

8           (c) An applicant may appeal a denial under this section by  
9 filing an appeal with the department not later than the 26th day  
10 after the date the department issues notice of the denial to the  
11 applicant.

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

15           (b) Ten percent of the fee collected for a permit issued by  
16 the department under this subtitle shall be deposited to the credit  
17 of the Texas Department of Motor Vehicles fund with the remaining  
18 fee distribution to be adjusted proportionately, if needed.

19           (c) Subsection (b) does not apply if a provision of this  
20 subtitle expressly requires a different amount of a fee collected  
21 to be deposited to the credit of the Texas Department of Motor  
22 Vehicles fund.

23           Sec. 623.006. DISPOSITION AND USE OF PERMIT FEES DUE TO  
24 COUNTY OR MUNICIPALITY. Except as otherwise specified by this  
25 subtitle:

26                   (1) at least once each fiscal year, the comptroller  
27 shall send from fees collected for a permit issued by the department

1 under this chapter any amounts due to a county or municipality;

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

5 (3) amounts due to a municipality must be sent to the  
6 office performing the function of treasurer for the municipality  
7 and may be used by the municipality only to fund commercial motor  
8 vehicle enforcement programs or road and bridge maintenance or  
9 infrastructure projects.

10 Sec. 623.007. PERMIT TO BE CARRIED IN VEHICLE. A permit  
11 issued by the department under this subtitle must be carried, in a  
12 manner prescribed by the department, in the vehicle that is being  
13 operated under the permit.

14 Sec. 623.008. AUTHORITY TO REQUIRE ESCORT FLAG VEHICLES AND  
15 ESCORT FLAGGERS. (a) In this section:

16 (1) "Escort flag vehicle" means a vehicle that  
17 precedes or follows an oversize or overweight vehicle operating  
18 under a permit issued by the department for the purpose of  
19 facilitating the safe movement of the oversize or overweight  
20 vehicle over roads.

21 (2) "Escort flagger" means a person who:

22 (A) has successfully completed a training  
23 program in traffic direction as defined by the basic peace officer  
24 course curriculum established by the Texas Commission on Law  
25 Enforcement; and

26 (B) in accordance with a permit issued by the  
27 department under this subtitle, operates an escort flag vehicle or

1 directs and controls the flow of traffic using a hand signaling  
2 device or an automated flagger assistance device.

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

7 (1) by the Texas Department of Transportation; or

8 (2) for the safe movement over roads of an oversize or  
9 overweight vehicle and its load.

10 SECTION 8. Section 623.099, Transportation Code, is amended  
11 by adding Subsection (g) to read as follows:

12 (g) A county or municipality may not require the use of an  
13 escort flag vehicle or any other kind of escort for the movement of  
14 a manufactured house under a permit issued under this subchapter  
15 that is in addition to the escort flag vehicle requirements of this  
16 section.

17 SECTION 9. The heading to Section 623.272, Transportation  
18 Code, is amended to read as follows:

19 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE  
20 CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

21 SECTION 10. Section 623.272(a), Transportation Code, is  
22 amended to read as follows:

23 (a) The department may investigate and impose an  
24 administrative penalty on a shipper who:

25 (1) does not provide a shipper's certificate of weight  
26 required under Section 623.274(b); or

27 (2) provides false information on a shipper's



1 certificate of weight that the shipper delivers to a person  
2 transporting a shipment.

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

6 (b) On the written request of the person transporting the  
7 shipment, a ~~[For a shipper's certificate of weight to be valid, the]~~  
8 shipper must:

9 (1) certify that the information contained on the  
10 certificate of weight ~~[form]~~ is accurate; and

11 (2) deliver the certificate of weight to the person  
12 transporting the shipment ~~[motor carrier or other person~~  
13 ~~transporting the shipment before the motor carrier or other person~~  
14 ~~applies for an overweight permit under this chapter]~~.

15 (c) A person transporting a shipment must provide the  
16 department with a copy of the certificate of weight before the  
17 issuance of an overweight permit under this chapter if the combined  
18 weight of the vehicle or vehicles and load is more than 200,000  
19 pounds.

20 SECTION 12. Section 623.321(a), Transportation Code, is  
21 amended to read as follows:

22 (a) The department may issue a permit under this subchapter,  
23 as an alternative to a permit issued under Section 623.011,  
24 authorizing a person to operate a vehicle or combination of  
25 vehicles that is being used to transport unrefined timber, wood  
26 chips, or woody biomass or equipment used to load timber on a  
27 vehicle in a county identified as a timber producing county in the

1 most recent edition of the Texas A&M Forest Service's Harvest  
2 Trends Report as of May 15, 2013, at the weight limits prescribed by  
3 Subsection (b).

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

6 (f) This section does not apply to a vehicle or combination  
7 of vehicles that are being used to transport unrefined timber, wood  
8 chips, or woody biomass or equipment used to load timber on a  
9 vehicle from:

- 10 (1) a storage yard to the place of first processing; or  
11 (2) outside this state to a place of first processing  
12 in this state.

13 SECTION 14. The following provisions of the Transportation  
14 Code are repealed:

- 15 (1) Sections 623.0171(m), 623.081, and 623.324(b);  
16 (2) Section 623.403(c), as added by Chapter 750 (S.B.  
17 1383), Acts of the 85th Legislature, Regular Session, 2017; and  
18 (3) Sections 623.404(b) and (c), as added by Chapter  
19 108 (S.B. 1524), Acts of the 85th Legislature, Regular Session,  
20 2017.

21 SECTION 15. Section 621.511, Transportation Code, as added  
22 by this Act, applies only to a vehicle that is issued a permit under  
23 Subtitle E, Title 7, Transportation Code, on or after the effective  
24 date of this Act.

25 SECTION 16. (a) The changes in law made by this Act apply  
26 only to an offense or violation committed on or after the effective  
27 date of this Act. An offense or violation committed before the

1 effective date of this Act is governed by the law in effect on the  
2 date the offense or violation was committed, and the former law is  
3 continued in effect for that purpose. For purposes of this  
4 subsection, an offense or violation was committed before the  
5 effective date of this Act if any element of the offense or  
6 violation occurred before that date.

7 (b) The change in law made by this Act relating to an  
8 application filed under Chapter 623, Transportation Code, applies  
9 only to an application filed under that chapter on or after the  
10 effective date of this Act. An application filed before that date  
11 is governed by the law in effect on the date the application was  
12 filed, and the former law is continued in effect for that purpose.

13 SECTION 17. To the extent of any conflict, this Act prevails  
14 over another Act of the 86th Legislature, Regular Session, 2019,  
15 relating to nonsubstantive additions to and corrections in enacted  
16 codes.

17 SECTION 18. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend certain provisions in the Transportation Code requiring compliance with lawful orders and directions of escort flaggers for oversize and overweight vehicles. The bill would establish a Class C misdemeanor offense if a person operates a vehicle under a oversize/overweight vehicle permit and the person operating the vehicle is not the person named on the permit or an employee of that person. The bill would authorize the Department of Motor Vehicles (DMV) to deny an oversize/overweight permit to a motor carrier that has been placed out of service by the Federal Motor Carrier Safety Administration or that the Department of Public Safety has determined has an unsatisfactory safety rating or multiple violations of commercial motor vehicle safety standards. The bill would require 10 percent of a permit fee collected for any oversize/overweight permit authorized by the Legislature on or after September 1, 2019, to be deposited to the Texas Department of Motor Vehicles Fund unless another provision expressly requires a different amount of a fee collected to be deposited to that fund. The bill would amend Transportation Code §623.321 to authorize the Department of Motor Vehicles (DMV) to issue a permit for the operation of a vehicle or combination of vehicles used to transport equipment used to load timber on a vehicle in certain timber producing counties. The bill would take effect on September 1, 2019.

Based on LBB's analysis of the information DMV, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the analysis of the Office of Court administration, no significant impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 601 Department of Transportation, 608 Department of Motor Vehicles, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement

**LBB Staff:** WP, SD, JGAn, TG, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend certain provisions in the Transportation Code requiring compliance with lawful orders and directions of escort flaggers for oversize and overweight vehicles. The bill would establish a Class C misdemeanor offense if a person operates a vehicle under a oversize/overweight vehicle permit and the person operating the vehicle is not the person named on the permit or an employee of that person. The bill would authorize the Department of Motor Vehicles (DMV) to deny an oversize/overweight permit to a motor carrier that has been placed out of service by the Federal Motor Carrier Safety Administration or that the Department of Public Safety has determined has an unsatisfactory safety rating or multiple violations of commercial motor vehicle safety standards. The bill would require 10 percent of a permit fee collected for any oversize/overweight permit authorized by the Legislature on or after September 1, 2019, to be deposited to the Texas Department of Motor Vehicles Fund unless another provision expressly requires a different amount of a fee collected to be deposited to that fund. The bill would amend Transportation Code §623.321 to authorize the Department of Motor Vehicles (DMV) to issue a permit for the operation of a vehicle or combination of vehicles used to transport equipment used to load timber on a vehicle in certain timber producing counties. The bill would take effect on September 1, 2019.

Based on LBB's analysis of the information DMV, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the analysis of the Office of Court administration, no significant impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 601 Department of Transportation, 608 Department of Motor Vehicles, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement

**LBB Staff:** WP, JGAn, TG, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 15, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend certain provisions in the Transportation Code requiring compliance with lawful orders and directions of escort flaggers for oversize and overweight vehicles. The bill would establish a Class C misdemeanor offense if a person operates a vehicle under a oversize/overweight vehicle permit and the person operating the vehicle is not the person named on the permit or an employee of that person. The bill would authorize the Department of Motor Vehicles (DMV) to deny an oversize/overweight permit to a motor carrier that has been placed out of service by the Federal Motor Carrier Safety Administration or that the Department of Public Safety has determined has an unsatisfactory safety rating or multiple violations of commercial motor vehicle safety standards. The bill would require 10 percent of a permit fee collected for any oversize/overweight permit authorized by the Legislature on or after September 1, 2019, to be deposited to the Texas Department of Motor Vehicles Fund unless another provision expressly requires a different amount of a fee collected to be deposited to that fund. The bill would amend Chapter 622 of the Transportation Code, relating to special provisions and exceptions for oversize or overweight vehicles, to establish single axle and tandem axle weight exceptions for the operation of an over-the-road bus on a public highway. The bill would take effect on September 1, 2019.

Based on LBB's analysis of the information DMV and the Texas Department of Transportation, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the analysis of the Office of Court administration, no significant impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.



**Source Agencies:** 601 Department of Transportation, 608 Department of Motor Vehicles, 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement

**LBB Staff:** WP, JGAn, TG, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 25, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend certain provisions in the Transportation Code requiring compliance with lawful orders and directions of escort flaggers for oversize and overweight vehicles. The bill would establish a Class C misdemeanor offense if a person operates a vehicle under a oversize/overweight vehicle permit and the person operating the vehicle is not the person named on the permit or an employee of that person. The bill would authorize the Department of Motor Vehicles (DMV) to deny an oversize/overweight permit to a motor carrier that has been placed out of service by the Federal Motor Carrier Safety Administration or that the Department of Public Safety has determined has an unsatisfactory safety rating or multiple violations of commercial motor vehicle safety standards. The bill would require 10 percent of a permit fee collected for any oversize/overweight permit authorized by the Legislature on or after September 1, 2019, to be deposited to the Texas Department of Motor Vehicles Fund unless another provision expressly requires a different amount of a fee collected to be deposited to that fund. The bill would take effect on September 1, 2019.

Based on the information and analysis provided by DMV, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the analysis of the Office of Court administration, no significant impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 304  
                                      Comptroller of Public Accounts, 405 Department of Public Safety, 407  
                                      Commission on Law Enforcement, 601 Department of Transportation, 608

Department of Motor Vehicles

**LBB Staff:** WP, JGAn, TG, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 16, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend certain provisions in the Transportation Code requiring compliance with lawful orders and directions of escort flaggers for oversize and overweight vehicles. The bill would establish a Class C misdemeanor offense if a person operates a vehicle under a oversize/overweight vehicle permit and the person operating the vehicle is not the person named on the permit or an employee of that person. The bill would authorize the Department of Motor Vehicles (DMV) to deny an oversize/overweight permit to a motor carrier that has been placed out of service by the Federal Motor Carrier Safety Administration or that the Department of Public Safety has determined has an unsatisfactory safety rating or multiple violations of commercial motor vehicle safety standards. The bill would require 10 percent of a permit fee collected for any oversize/overweight permit authorized by the Legislature on or after September 1, 2019, to be deposited to the Texas Department of Motor Vehicles Fund unless another provision expressly requires a different amount of a fee collected to be deposited to that fund. The bill would take effect on September 1, 2019.

Based on the information and analysis provided by DMV, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the analysis of the Office of Court administration, no significant impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 601  
Department of Transportation, 608 Department of Motor Vehicles

**LBB Staff:** WP, JGAn, TG, AF



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**April 25, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Transportation Code as it relates to the movement of oversized or overweight vehicles. Under the provisions of the bill, for a person to operate an oversized or overweight vehicle on a public highway with a permit on which the person is not named would, under specified circumstances, be punishable as a class C misdemeanor.

A Class C misdemeanor is punishable by a fine not to exceed \$500 (up to 180 days of deferred disposition and no confinement). This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**April 17, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2620** by Martinez (Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Transportation Code as it relates to the movement of oversized or overweight vehicles. Under the provisions of the bill, for a person to operate an oversized or overweight vehicle on a public highway with a permit on which the person is not named would, under specified circumstances, be punishable as a class C misdemeanor.

A Class C misdemeanor is punishable by a fine not to exceed \$500 (up to 180 days of deferred disposition and no confinement). This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi