

House Bill 2620
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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SECTION 1. Same as House version.

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- (1) otherwise directed by a traffic officer, [ø] police officer, or escort flagger; or
- (2) operating an authorized emergency vehicle and is subject to exceptions under this subtitle.

SECTION 4. The heading to Section 621.503, Transportation Code, is amended to read as follows:
Sec. 621.503. PROHIBITION OF LOADING MORE THAN SIZE OR WEIGHT LIMITATION.

SECTION 5. Sections 621.503(a) and (b), Transportation Code, are amended to read as follows:
(a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds the height, width, length, or weight limitations for operation of that vehicle provided by this subtitle [~~Section 621.104~~].
(b) Intent to violate a weight limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by 15 percent or more.

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

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SECTION 4. Same as House version.

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(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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Subsection (b) does not apply if a provision of this subtitle expressly requires a different amount of a fee

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collected to be deposited to the credit of the Texas Department of Motor Vehicles fund.

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

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

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

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

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

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

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

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

(A) has successfully completed a training program in traffic direction as defined by the basic peace officer course

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curriculum established by the Texas Commission on Law Enforcement; and

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

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

(1) by the Texas Department of Transportation; or

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

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

(b) The department shall issue an annual permit for the 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;

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

SECTION 11. The heading to Section 623.272, Transportation Code, is amended to read as follows:
Sec. 623.272. ADMINISTRATIVE PENALTY FOR FAILURE TO PROVIDE CERTIFICATE OR FOR FALSE INFORMATION ON CERTIFICATE.

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

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SECTION 8. Same as House version.

SECTION 9. Same as House version.

SECTION 10. Same as House version.

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

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

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

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

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

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

(2) deliver the certificate of weight to the person 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.

No equivalent provision.

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SECTION 11. Same as House version.

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

(a) The department may issue a permit under this subchapter, as an alternative to a permit issued under Section

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623.011, authorizing a person to operate a vehicle or combination of vehicles that is being used to transport unrefined timber, wood chips, or woody biomass or equipment used to load timber on a vehicle in a county identified as a timber producing county in the most recent edition of the Texas A&M Forest Service's Harvest Trends Report as of May 15, 2013, at the weight limits prescribed by Subsection (b).

No equivalent provision.

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

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

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

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.

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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 violation occurred before that date.

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

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

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

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SECTION 15. Same as House version.

SECTION 16. Same as House version.

SECTION 17. Same as House version.

SECTION 18. Same as House version.

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