

BILL ANALYSIS

C.S.H.B. 4548
By: Burns
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During weather-related emergencies, such as Winter Storm Uri, the distribution of agricultural products for food for human and animal consumption is vital to the well-being of both Texans and the Texas economy. Concerns have been raised regarding the multitude of trips that commercial vehicle operators have to make in order to provide disaster relief to, and meet the demand of, consumers impacted by these weather events due to current vehicle weight requirements. C.S.H.B. 4548 seeks to remedy this situation by authorizing the issuance of a special permit to waive weight requirements for vehicles that are being used to deliver agricultural commodities during or preceding a disaster.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the board of the Texas Department of Motor Vehicles in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 4548 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue a special permit to an oversize or overweight vehicle or load that can easily be dismantled or divided and will be used to deliver agricultural commodities under the following circumstances:

- during an emergency or major disaster as declared by the president of the United States under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act or following a declaration of a state of disaster by the governor under the Texas Disaster Act of 1975; or
- preceding an event that may result in a gubernatorial declaration of a state of disaster, if issuance of the permit for the event is authorized by the Texas Division of Emergency Management (TDEM).

C.S.H.B. 4548 authorizes a person to file an application to TDEM requesting that it authorize the issuance of such a permit preceding a potential disaster event and requires TDEM, if it does so, to notify TxDMV of that decision in the manner prescribed by TxDMV and include in the notice the counties in which a vehicle issued the permit may be operated. The bill provides for the expiration of a special permit and defines "agricultural commodity" as an agricultural, horticultural, viticultural, silvicultural, or vegetable product, bees or honey, planting seed, cottonseed, rice, livestock or a livestock product, or poultry or a poultry product that is produced in Texas, either in its natural form or as processed by the producer, including woodchips.

C.S.H.B. 4548 authorizes the board of TxDMV to adopt rules necessary to implement the bill's provisions, including rules that establish requirements for obtaining a permit. The bill authorizes TxDMV to impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for escort vehicles.

C.S.H.B. 4548 expressly does not authorize the operation on the national system of interstate and defense highways or the federal aid primary highway system in Texas of a vehicle with a size or weight greater than those permitted under federal law. If the United States authorizes the operation on either of those highway systems of a vehicle with a size or weight greater than those permitted under federal law on September 1, 2021, the new limit automatically takes effect on the applicable highway system in Texas.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4548 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the authorization from the original in which TxDMV may issue a special permit following a gubernatorial declaration of a state of disaster to an overweight or oversize vehicle or load that can easily be dismantled or divided and will be used to deliver relief supplies.

The substitute revises the authorization for TxDMV to issue a special permit to deliver agricultural products as follows:

- changes the type of product that may be delivered under the permit from agricultural products, which the original defined by reference as any raw or processed agricultural commodity or product that is marketed in the United States for human or livestock consumption, to agricultural commodities, as defined by the substitute; and
- includes the following, which were not included in the original, as circumstances under which the permit may be issued:
 - during an emergency as declared by the president under federal law; and
 - preceding an event that may result in a gubernatorial declaration of a state of disaster, if issuance of the permit for the event is authorized by TDEM.

The substitute also includes the following provisions not in the original:

- a requirement for TDEM, if it authorizes the issuance of the permit preceding a potential disaster event, to notify TxDMV and to include in the notice the counties to which the permit applies;
- an authorization for the board of TxDMV to adopt rules to implement the bill's provisions;
- an authorization for TxDMV to impose certain permit conditions; and
- provisions relating to the national system of interstate and defense highways and the federal aid primary highway system.