By:  Seliger S.B. No. 1814

(In the Senate - Filed March 12, 2021; March 26, 2021, read first time and referred to Committee on Transportation; April 19, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Nichols           X

Seliger           X

Alvarado          X

Blanco            X

Hancock           X

Hinojosa          X

Kolkhorst         X

Perry             X

West              X

COMMITTEE SUBSTITUTE FOR S.B. No. 1814 By:  Seliger

A BILL TO BE ENTITLED

AN ACT

relating to oversize and overweight vehicle permits.

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

SECTION 1.  Sections 1201.161(c), (d), and (e), Occupations Code, are amended to read as follows:

(c)  The Texas Department of Motor Vehicles shall provide to [~~send~~] the department monthly[~~:~~

[~~(1)  a copy of each permit issued in the preceding month for the movement of manufactured housing on the highways; or~~

[~~(2)~~]  a list of the permits issued in the preceding month and the information on the permits.

(d)  Unless the information provided for in Subsection (c) is provided electronically, the department shall pay the reasonable cost of providing [~~the copies or~~] the list and information under Subsection (c).

(e)  The [~~copies and~~] lists to be provided under this section may be provided electronically.

SECTION 2.  Section 623.0112, Transportation Code, is amended to read as follows:

Sec. 623.0112.  ADDITIONAL ADMINISTRATIVE FEE. When a person applies for a permit under Section 623.011, the person must pay in addition to other fees an administrative fee adopted by board rule in an amount not to exceed the direct and indirect cost to the department of:

(1)  issuing a sticker under Section 623.011(d);

(2)  distributing fees under Section 621.353; and

(3)  maintaining the list [~~notifying counties~~] under Section 623.013.

SECTION 3.  Section 623.012(b), Transportation Code, is amended to read as follows:

(b)  The bond or letter of credit must:

(1)  be in the amount of $15,000 payable to [~~the Texas Department of Transportation and~~] the counties of this state;

(2)  be conditioned that the applicant will pay [~~the Texas Department of Transportation for any damage to a state highway, and~~] a county for any damage to a road or bridge of the county[~~,~~] caused by the operation of the vehicle:

(A)  for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301 or 623.321; or

(B)  that is in violation of Section 623.323; and

(3)  provide that the issuer is to notify the county [~~Texas Department of Transportation~~] and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

SECTION 4.  Section 623.013, Transportation Code, is amended to read as follows:

Sec. 623.013.  LIST OF PERMITS ISSUED [~~DEPARTMENT'S NOTICE TO COUNTY~~]. (a) The department shall make available on the department's Internet website a searchable and downloadable list by county of each [~~Not later than the 14th day after the date the department issues a~~] permit issued under Section 623.011[~~, the department shall notify the county clerk of each county listed in the application for the permit~~]. The list [~~notice~~] must include the following information for each permit:

(1)  the name and address of the person for whom the [~~a~~] permit was issued; [~~and~~]

(2)  the vehicle identification number and license plate number of the vehicle;

(3)  the permit number; and

(4)  the effective date of the permit.

(b)  On request of a county, the [~~The~~] department shall send a copy of the permit and the bond or letter of credit required for the permit to the county [~~with the notice required by this section~~].

SECTION 5.  Section 623.015, Transportation Code, is amended to read as follows:

Sec. 623.015.  LIABILITY FOR DAMAGE. (a) The liability of a holder of a permit issued under Section 623.011 for damage to [~~a state road or highway or~~] a county road is not limited to the amount of the bond or letter of credit required for the issuance of the permit.

(b)  The holder of a permit issued under Section 623.011 who has filed the bond or letter of credit required for the permit [~~and who has filed the notice required by Section 623.013~~] is liable to the county only for the actual damage to a county road, bridge, or culvert with a load limitation established under Subchapter B of Chapter 621 or Section 621.301 caused by the operation of the vehicle in excess of the limitation. If a county judge, county commissioner, county road supervisor, or county traffic officer requires the vehicle to travel over a designated route, it is presumed that the designated route, including a bridge or culvert on the route, is of sufficient strength and design to carry and withstand the weight of the vehicle traveling over the designated route.

SECTION 6.  Section 623.016, Transportation Code, is amended to read as follows:

Sec. 623.016.  RECOVERY ON PERMIT SECURITY. (a)  A [~~The Texas Department of Transportation or a~~] county may recover on the bond or letter of credit required for a permit issued under Section 623.011 only by a suit against the permit holder and the issuer of the bond or letter of credit.

(b)  [~~Venue for a suit by the Texas Department of Transportation is in a district court in:~~

[~~(1)  the county in which the defendant resides;~~

[~~(2)  the county in which the defendant has its principal place of business in this state if the defendant is a corporation or partnership; or~~

[~~(3)  Travis County if the defendant is a corporation or partnership that does not have a principal place of business in this state.~~

[~~(c)~~]  Venue for a suit under this section [~~by a county~~] is in district court in:

(1)  the county in which the defendant resides;

(2)  the county in which the defendant has its principal place of business in this state; or

(3)  the county in which the damage occurred.

SECTION 7.  Section 623.0711(g), Transportation Code, as amended by Chapters 1135 (H.B. 2741) and 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to read as follows:

(g)  An application for a permit under this section must be accompanied by the permit fee established by the department, in consultation with the commission, for the permit, not to exceed $9,000. The department shall send each fee to the comptroller, who shall deposit:

(1)  90 percent of the fee to the credit of the state highway fund; and

(2)  10 percent of the fee to the credit of the Texas Department of Motor Vehicles fund.

SECTION 8.  Section 623.075, Transportation Code, is amended to read as follows:

Sec. 623.075.  ADDITIONAL REQUIREMENTS FOR ISSUANCE OF PERMIT [~~BOND~~]. (a) Except as provided by Subsection (b), [~~Before~~] the department may issue a permit under this subchapter only to an[~~, the~~] applicant registered under Chapter 643 [~~shall file with the department a bond in an amount set by the Texas Department of Transportation, payable to the Texas Department of Transportation, and conditioned that the applicant will pay to the Texas Department of Transportation any damage that might be sustained to the highway because of the operation of the equipment for which a permit is issued~~].

(b)  Subsection (a) [~~Venue of a suit for recovery on the bond is in Travis County.~~

[~~(c)  This section applies to the delivery of farm equipment to a farm equipment dealer. This section~~] does not apply to a permit for:

(1)  the driving or transporting of farm equipment that is being used for an agricultural purpose and is driven or transported by or under the authority of the owner of the equipment; or

(2)  a vehicle or equipment that is not subject to [~~operated by a motor carrier registered under~~] Chapter 643 [~~or Chapter 645~~].

(c)  Before the department issues a permit under this subchapter for a vehicle or equipment described by Subsection (b)(2), the applicant shall file with the department a bond in an amount set by the Texas Department of Transportation, payable to the Texas Department of Transportation, and conditioned that the applicant will pay to the Texas Department of Transportation any damage that might be sustained to the highway because of the operation of the vehicle or equipment for which a permit is issued. Venue of a suit for recovery on the bond is in Travis County.

SECTION 9.  Subchapter E, Chapter 623, Transportation Code, is amended by adding Section 623.0975 to read as follows:

Sec. 623.0975.  LIST OF PERMITS ISSUED. The department shall make available on the department's Internet website a searchable and downloadable list by county of each permit issued under this subchapter. The list must include the following information for each permit:

(1)  the permit number and issue date of the permit;

(2)  the name of the person for whom the permit was issued;

(3)  the length, width, and height of the manufactured house and the towing vehicle in combination;

(4)  the name of the owner of the house;

(5)  the model and year of manufacture of the house;

(6)  the complete identification or serial number, the United States Department of Housing and Urban Development label number, or the state seal number of the house; and

(7)  the origin county and address and destination county and address of the house.

SECTION 10.  Section 623.323(b), Transportation Code, is amended to read as follows:

(b)  Before a vehicle or combination of vehicles for which a permit is issued under this subchapter may be operated on a road maintained by a county or a state highway, the financially responsible party shall execute a notification document and agree to reimburse the county or the state, as applicable, for damage to a road or highway sustained as a consequence of the transportation authorized by the permit.  At a minimum, the notification document must include:

(1)  the name and address of the financially responsible party;

(2)  a description of each permit issued for the vehicle or combination of vehicles;

(3)  a description of the method of compliance by the financially responsible party with Section [~~Sections~~] 601.051, [~~and~~] 623.012, 643.101, or 643.102;

(4)  the address or location of the geographic area in which the financially responsible party wishes to operate a vehicle or combination of vehicles and a designation of the specific route of travel anticipated by the financially responsible party, including the name or number of each road maintained by a county or state highway;

(5)  a calendar or schedule of duration that includes the days and hours of operation during which the financially responsible party reasonably anticipates using the county road or state highway identified in Subdivision (4); and

(6)  a list of each vehicle or combination of vehicles by license plate number or other registration information, and a description of the means by which financial responsibility is established for each vehicle or combination of vehicles if each vehicle or combination of vehicles is not covered by a single insurance policy, surety bond, deposit, or other means of financial assurance.

SECTION 11.  The following provisions of the Transportation Code are repealed:

(1)  Section 623.0711(f); and

(2)  Section 623.093(e).

SECTION 12.  This Act takes effect September 1, 2021.

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