

By: Murr

H.B. No. 3866

A BILL TO BE ENTITLED

AN ACT

relating to the offense of operating or loading an overweight vehicle.

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

SECTION 1. Section 621.506, Transportation Code, is amended by adding Subsections (a-1), (d-1), (d-2), and (d-3) and amending Subsections (d) and (e) to read as follows:

(a-1) Criminal responsibility for an offense under this section extends, in the manner authorized by Section 7.22, Penal Code, to a corporation, an association, a limited liability company, or another business entity that employs a person who commits an offense under this section during the course and scope of the person's employment.

(d) A judge or justice shall promptly report to the department and the Department of Public Safety each conviction obtained in the judge's or the justice's court under this section. The department and the Department of Public Safety shall keep a record of each conviction reported to it under this subsection.

(d-1) This subsection applies to a fine assessed on conviction of an offense under this section that is committed by an entity described by Subsection (a-1) or an employee of the entity during the course and scope of the person's employment. If the fine assessed on conviction of an offense is not paid before the 31st day after the date the fine was assessed, the judge or justice of the

1 convicting court shall promptly report to the department:

2 (1) the entity's failure to pay the fine; and

3 (2) if the entity subsequently pays the full amount of
4 a fine reported under Subdivision (1), the entity's payment of the
5 fine.

6 (d-2) The department shall keep a record of each failure to
7 pay and subsequent payment reported to the department under
8 Subsection (d-1).

9 (d-3) The department, under Section 623.271 and subject to
10 the notice and hearing requirements applicable to that section,
11 shall revoke each permit issued under this subtitle to an entity
12 described by Subsection (a-1) if:

13 (1) the department receives notice under Subsection
14 (d-1)(1) of the entity's failure to pay; and

15 (2) at the time the department receives the notice
16 described by Subdivision (1), the entity has not paid the full
17 amount of two or more fines that were previously reported to the
18 department under Subsection (d-1)(1) and at least two of those
19 fines were not assessed for offenses under this section arising
20 from the same criminal episode.

21 (e) If an entity described by Subsection (a-1) [a
22 corporation] fails to pay the fine assessed on conviction of an
23 offense under this section, the district or county attorney in the
24 county in which the conviction occurs may file suit against the
25 entity [corporation] to collect the fine.

26 SECTION 2. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

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

7 SECTION 3. This Act takes effect September 1, 2021.