

By: Burns, Guillen

H.B. No. 4548

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the issuance of oversize or overweight permits for
3 vehicles transporting agricultural commodities during or preceding
4 a disaster.

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

6 SECTION 1. Section 621.102(d), Transportation Code, is
7 amended to read as follows:

8 (d) A vehicle operating under a permit issued under Section
9 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192,
10 623.212, ~~[or] 623.321, or 623.451 [as added by Chapter 1135 (H.B.~~
11 ~~2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ may
12 operate under the conditions authorized by the permit over a road
13 for which the executive director of the Texas Department of
14 Transportation has set a maximum weight under this section.

15 SECTION 2. Section 621.301(e), Transportation Code, is
16 amended to read as follows:

17 (e) A vehicle operating under a permit issued under Section
18 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192,
19 623.212, ~~[or] 623.321, or 623.451 [as added by Chapter 1135 (H.B.~~
20 ~~2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ may
21 operate under the conditions authorized by the permit over a road
22 for which the commissioners court has set a maximum weight under
23 this section.

24 SECTION 3. Chapter 623, Transportation Code, is amended by

1 adding Subchapter W to read as follows:

2 SUBCHAPTER W. PERMIT FOR VEHICLES TRANSPORTING AGRICULTURAL
3 COMMODITIES DURING OR PRECEDING DISASTER

4 Sec. 623.451. PERMIT TO DELIVER AGRICULTURAL COMMODITIES.

5 (a) In this section:

6 (1) "Agricultural commodity" means an agricultural,
7 horticultural, viticultural, silvicultural, or vegetable product,
8 bees or honey, planting seed, cottonseed, rice, livestock or a
9 livestock product, or poultry or a poultry product that is produced
10 in this state, either in its natural form or as processed by the
11 producer, including woodchips.

12 (2) "Division" means the Texas Division of Emergency
13 Management.

14 (b) Notwithstanding any other law, the department may issue
15 a special permit to an oversize or overweight vehicle or load that:

16 (1) can easily be dismantled or divided; and

17 (2) will be used only to deliver agricultural
18 commodities.

19 (c) The department may issue a permit under this section
20 only:

21 (1) during an emergency or major disaster as declared
22 by the president of the United States under the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42 U.S.C. Section
24 5121 et seq.) or following a declaration of a state of disaster
25 under Section 418.014, Government Code; or

26 (2) preceding an event that may result in a
27 declaration of a state of disaster under Section 418.014,

1 Government Code, if issuance of the permit for the event is
2 authorized by the division.

3 (d) A person may file an application to the division in the
4 manner prescribed by the division requesting that the division
5 authorize the issuance of a permit preceding an event described by
6 Subsection (c)(2). If the division authorizes the issuance of the
7 permit, the division shall notify the department of that decision
8 in the manner prescribed by the department and include in the notice
9 the counties in which a vehicle issued the permit may be operated.

10 (e) A permit under this section that is issued under:

11 (1) Subsection (c)(1) expires not later than the 120th
12 day after the date of the disaster or emergency declaration; or

13 (2) Subsection (c)(2) expires not later than the 120th
14 day after the date the department receives notice from the division
15 under Subsection (d) authorizing the issuance of the permit.

16 Sec. 623.452. RULES. The board may adopt rules necessary to
17 implement this subchapter, including rules that establish the
18 requirements for obtaining a permit.

19 Sec. 623.453. PERMIT CONDITIONS. The department may impose
20 conditions on a permit holder to ensure the safe operation of a
21 permitted vehicle and minimize damage to roadways, including
22 requirements related to vehicle routing, hours of operation, weight
23 limits, and lighting and requirements for escort vehicles.

24 Sec. 623.454. INTERSTATE AND DEFENSE HIGHWAYS AND FEDERAL
25 AID PRIMARY HIGHWAY SYSTEM. (a) This subchapter does not authorize
26 the operation on the national system of interstate and defense
27 highways or the federal aid primary highway system in this state of

1 a vehicle with a size or weight greater than those permitted under
2 23 U.S.C. Section 127 or 49 U.S.C. Sections 31111 through 31114.

3 (b) If the United States authorizes the operation on the
4 national system of interstate and defense highways or the federal
5 aid primary highway system of a vehicle with a size or weight
6 greater than those permitted under 23 U.S.C. Section 127 or 49
7 U.S.C. Sections 31111 through 31114 on September 1, 2021, the new
8 limit automatically takes effect on the national system of
9 interstate and defense highways or the federal aid primary highway
10 system in this state.

11 SECTION 4. This Act takes effect September 1, 2021.