

By: Springer

S.B. No. 1002

A BILL TO BE ENTITLED

AN ACT

relating to reducing the criminal penalty for the operation of  
overweight vehicles transporting livestock.

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

SECTION 1. Section 623.019, Transportation Code, is amended  
by amending Subsections (b) and (c) and adding Subsections (i) and  
(j) to read as follows:

(b) Except as provided by Subsections (c), ~~and~~ (d), (i),  
and (j), an offense under Subsection (a) is a misdemeanor  
punishable by a fine of not less than \$100 or more than \$250.

(c) An offense under Subsection (a) is a misdemeanor and,  
except as provided by Subsections ~~[Subsection]~~ (d) and (i), is  
punishable by a fine according to the following schedules if the  
offense involves a vehicle:

(1) having a single axle weight or tandem axle weight  
that is heavier than the vehicle's allowable weight:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500
2,500-5,000	\$500 to \$1,000
more than 5,000	\$1,000 to \$2,500; or

(2) having a gross weight that is heavier than the  
vehicle's allowable gross weight:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500

1	2,500-5,000	\$500 to \$1,000
2	5,001-10,000	\$1,000 to \$2,500
3	10,001-20,000	\$2,500 to \$5,000
4	20,001-40,000	\$5,000 to \$7,000
5	more than 40,000	\$7,000 to \$10,000

6 (i) An offense under Subsection (a) is a misdemeanor  
7 punishable by a fine in an amount not to exceed 50 percent of the  
8 fine assessed under Subsection (c) if the offense involves a  
9 vehicle originally loaded:

- 10 (1) proportionally over the axles;
- 11 (2) primarily with livestock; and
- 12 (3) five miles or more from an international border  
13 crossing.

14 (j) If it is shown on the trial of an offense under  
15 Subsection (a) that the defendant has previously been convicted one  
16 or more times of an offense punishable under Subsection (i), the  
17 offense is punishable by, as applicable:

- 18 (1) a fine according to the schedules as provided by  
19 Subsection (c); or
- 20 (2) a fine calculated in the manner described by  
21 Subsection (d).

22 SECTION 2. The change in law made by this Act applies only  
23 to an offense committed on or after the effective date of this Act.  
24 An offense committed before the effective date of this Act is  
25 governed by the law in effect on the date the offense was committed,  
26 and the former law is continued in effect for that purpose. For  
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred  
2 before that date.

3           SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2021.