

BILL ANALYSIS

Senate Research Center
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S.B. 2199
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Border Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the interim, the Senate Committee on Border Security heard testimony relating to the increase in criminal activity involving motor fuel and Mexican cartels, including fuel theft, overweight and off-route fuels trucks, unregulated fuel depots, and transloading operations. According to the Department of Public Safety of the State of Texas (DPS), cartels and foreign terrorists organizations control the Mexican toll roads adjacent to the Texas-Mexico border and require extortion payments when the truck crosses into Mexico. As a result, Mexican fuel haulers often overload trucks, also known as transloading, in order to decrease the number of trucks crossing.

As a result, Texas law enforcement officers have intercepted trucks hauling fuel in excess of what they are permitted to carry. The maximum weight allowed is 80,000 pounds; however, if the vehicle has an overweight permit, the maximum weight is 125,000 pounds. According to DPS, officers have intercepted fuel trucks weighing nearly 150,000 pounds. A weight violation, especially involving the movement of fuel, can pose significant risks to public safety.

Under Transportation Code Section 621.503, "a person may not load, or cause to be loaded, a vehicle for operation on a public highway that exceeds the height, width, length, or weight limitations for operation of that vehicle." Violation of this provision is subject to administrative enforcement. S.B. 2199 aims to address these overweight operations by enhancing the penalty for the violation of overloading a vehicle transporting hazardous materials to a second degree felony.

As proposed, S.B. 2199 amends current law relating to increasing the criminal penalty for loading certain overweight vehicles transporting hazardous materials at a weight that exceeds the weight limitations authorized for the vehicle.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.506, Transportation Code, by amending Subsection (b) and adding Subsection (b-4), as follows:

(b) Creates an exception under Subsection (b-4).

(b-4) Provides that, notwithstanding any other provision of Section 621.506 (Offense of Operating or Loading Overweight Vehicle; Penalty; Defense), an offense under Subsection (a)(2) (relating to providing that a person commits an offense if the person loads a vehicle or caused a vehicle to be loaded in violation of Section 621.503 (Prohibition of Loading More Than Size or Weight Limitation)) is a felony of the second degree if the offense involves a vehicle transporting fuel or other hazardous materials in a cargo tank, as defined by Section 162.001 (Definitions), Tax Code, that was loaded at a weight that exceeds the weight limitations authorized for the vehicle.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.