

BILL ANALYSIS

S.B. 2200
By: Birdwell
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that, 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 fuel trucks, unregulated fuel depots, and transloading operations. The bill sponsor has also informed the committee that for overweight trucks transporting export materials, overweight corridors often provide a direct route from the ports to the international bridges and that oversize and overweight permits can be obtained online and must be presented at the port before a truck is loaded with product. The bill sponsor has further informed the committee that recently, law enforcement agencies have noticed an increase in criminal activity related to motor fuel, including the increase of truckers failing to adhere to their permitted route on an overweight corridor, which poses serious risks to public safety and environmental standards and can negatively impact state commerce. S.B. 2200 seeks to address this issue by creating a second degree felony offense for the operation or movement of certain overweight vehicles transporting hazardous materials under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2200 amends the Transportation Code to create a second degree felony offense for a person who operates or moves an overweight vehicle on a public highway under either of the following conditions:

- the public highway is not included in the route designated under the permit under which the vehicle is operating; or
- the person does not have a permit authorizing the movement of the vehicle and the vehicle exceeds the maximum gross weight authorized for the vehicle by at least five percent.

The offense applies only to an overweight vehicle with at least three axles that is transporting in a cargo tank hazardous materials in a quantity requiring placarding by a regulation issued under the federal Hazardous Materials Transportation Act.

S.B. 2200 establishes as an affirmative defense to prosecution for the offense that, at the time of the offense, the vehicle was being operated or moved under the immediate direction of a law

enforcement agency. The bill establishes as an affirmative defense to prosecution for the offense with respect to the operation or movement of the vehicle on a public highway that is not included in the route designated under the permit under which the vehicle is operating that, at the time of the offense, the vehicle was being operated or moved in compliance with a permit authorizing the movement of the vehicle issued by the Texas Department of Motor Vehicles or a political subdivision of the state.

EFFECTIVE DATE

September 1, 2025.