

By: Tepper, Lopez of Cameron, Leo Wilson

H.B. No. 3679

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain vehicles during disasters.

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

SECTION 1. Section 162.235, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), a person who purchases dyed diesel fuel and furnishes to the licensed supplier or distributor under Section 162.206(a) a signed statement that includes an end user number issued by the comptroller may operate a motor vehicle on a public highway in this state with that dyed diesel fuel in the fuel supply tank of the motor vehicle if the motor vehicle is operated:

(1) during a period for which the Internal Revenue Service has specified that it will not impose a penalty when dyed diesel fuel is sold for use or used on a public highway; and

(2) following a declaration of a state of disaster under Section 418.014, Government Code, and in an area that is included in that declaration.

SECTION 2. Section 621.102(d), Transportation Code, is amended to read as follows:

(d) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, ~~[or] 623.321, or 623.451 [as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013,]~~ may

operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

SECTION 3. Section 621.301(e), Transportation Code, is amended to read as follows:

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

SECTION 4. Chapter 623, Transportation Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. PERMIT FOR VEHICLES TRANSPORTING AGRICULTURAL
COMMODITIES DURING DISASTER

Sec. 623.451. PERMIT TO DELIVER AGRICULTURAL COMMODITIES.

(a) In this section, "agricultural commodity" means an agricultural, horticultural, viticultural, silvicultural, or vegetable product, bees or honey, planting seed, cottonseed, rice, livestock or a livestock product, or poultry or a poultry product that is produced in this state, either in its natural form or as processed by the producer, including wood chips.

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

(1) can easily be dismantled or divided; and

1 (2) will be used only to deliver agricultural
2 commodities to or from a site that is:

3 (A) located in an area included in a disaster
4 declaration described by Subsection (c)(1); and

5 (B) affected by the disaster for which the
6 declaration described by Subsection (c)(1) was issued.

7 (c) The department may issue a permit under this section
8 only:

9 (1) following a declaration of a state of disaster
10 under Section 418.014, Government Code; and

11 (2) if the Department of Public Safety authorizes the
12 issuance of the permit.

13 (d) If the Department of Public Safety authorizes the
14 issuance of the permit, the Department of Public Safety shall
15 notify the department of that decision in the manner prescribed by
16 the department and include in the notice the counties in which a
17 vehicle issued the permit may be operated.

18 (e) A permit under this section expires on:

19 (1) the date the declaration described by Subsection
20 (c)(1) expires; or

21 (2) if the vehicle operating under the permit is using
22 dyed diesel fuel in accordance with Section 162.235(c), Tax Code,
23 the earlier of:

24 (A) the date the Internal Revenue Service has
25 specified that it will resume imposing a penalty when dyed diesel
26 fuel is sold for use or used on a public highway; or

27 (B) the date described by Subdivision (1).

1 Sec. 623.452. RULES. (a) Subject to Subsection (b), the
2 board may adopt rules necessary to implement this subchapter,
3 including rules that establish the requirements for obtaining a
4 permit.

5 (b) The commission, in consultation with the department,
6 may adopt rules prescribing weight limits for vehicles operating
7 under a permit issued under this subchapter.

8 Sec. 623.453. PERMIT CONDITIONS. The department may impose
9 conditions on a permit holder to ensure the safe operation of a
10 permitted vehicle and minimize damage to roadways, including
11 requirements related to vehicle routing, hours of operation, weight
12 limits, and lighting and requirements for escort vehicles.

13 Sec. 623.454. INTERSTATE AND DEFENSE HIGHWAYS AND FEDERAL
14 AID PRIMARY HIGHWAY SYSTEM. (a) This subchapter does not authorize
15 the operation on the national system of interstate and defense
16 highways or the federal aid primary highway system in this state of
17 a vehicle with a size or weight greater than those permitted under
18 23 U.S.C. Section 127 or 49 U.S.C. Sections 31111 through 31114.

19 (b) If the United States authorizes the operation on the
20 national system of interstate and defense highways or the federal
21 aid primary highway system of a vehicle with a size or weight
22 greater than those permitted under 23 U.S.C. Section 127 or 49
23 U.S.C. Sections 31111 through 31114 on September 1, 2025, the new
24 limit automatically takes effect on the national system of
25 interstate and defense highways or the federal aid primary highway
26 system in this state.

27 SECTION 5. The change in law made by this Act to Section

1 162.235, Tax Code, applies only to conduct that occurs on or after
2 the effective date of this Act. Conduct that occurred before the
3 effective date of this Act is governed by the law in effect on the
4 date the conduct occurred, and the former law is continued in effect
5 for that purpose. For purposes of this section, conduct occurred
6 before the effective date of this Act if any element of the conduct
7 occurred before that date.

8 SECTION 6. This Act takes effect September 1, 2025.