By: Hagenbuch S.B. No. 166

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the operation or movement of certain overweight vehicles transporting hazardous materials under certain circumstances; creating a criminal offense.

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

SECTION 1. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.512 to read as follows:

Sec. 621.512. OPERATION OR MOVEMENT OF CERTAIN OVERWEIGHT VEHICLES TRANSPORTING HAZARDOUS MATERIALS PROHIBITED UNDER CERTAIN CIRCUMSTANCES. (a) A person commits an offense if the person operates or moves an overweight vehicle described by Subsection (b) on a public highway:

(1) that is not included in the route designated under the permit under which the vehicle is operating; or

(2) without 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.

(b) Subsection (a) applies only to an overweight vehicle with three axles that is transporting in a cargo tank hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

(c) An offense under this section is a felony of the second degree.

(d) It is an affirmative defense to prosecution of an offense under this section that, at the time of the offense, the vehicle was being operated or moved under the immediate direction of a law enforcement agency.

(e) It is an affirmative defense to prosecution of an offense under Subsection (a)(1) 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 department or a political subdivision of this state.

SECTION 2. This Act takes effect September 1, 2027.