

BILL ANALYSIS

Senate Research Center

S.B. 1648
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Infrastructure
3/21/1999
As Filed

DIGEST

Currently, certain vehicles may operate in excess of standard legal weight restrictions under Chapters 622B, 622J, and 623H, Transportation Code. The vehicles include those used exclusively to transport solid waste, ready-mixed concrete trucks, and vehicles used exclusively to transport recyclable materials. Prior to operating these vehicles, the owner must file with the Texas Department of Transportation (TxDOT) a surety bond, which must condition the owner of the vehicle to pay the state, within the limits of the bond, the state any damage to a highway caused by the operation of the vehicle. However, the requirement to file a surety bond has provided little if any benefit to the state while serving as a cost to both TxDOT and the trucking industry. Meanwhile, the carrier's insurance has proven to be sufficient to protect in protecting the state against damages. Requiring permits for these vehicles and charging a fee would allow TxDOT to recover its costs as well as provide a mechanism for TxDOT to determine how many of the vehicles are traveling on the state highway system. S.B. 1648 would require permits for certain overweight vehicles and eliminate the requirement that owners of these vehicles file a surety bond with TxDOT.

PURPOSE

As proposed, S.B. 1648 requires permits for certain overweight vehicles and eliminates the requirement that owners of these vehicles file a surety bond with the Texas Department of Transportation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the governing body of a county or municipality that has a public highway under its jurisdiction (Section 623.234(a), Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 623.162, Transportation Code, as follows:

Sec. 623.162. New heading. PERMIT TO EXCEED AXLE-LOAD RESTRICTIONS. Requires the Department of Public Safety (DPS) to issue a permit to a person to operate on a state highway a vehicle used exclusively to transport solid waste with a certain weight. Makes nonsubstantive changes.

SECTION 2. Amends Section 623.163, Transportation Code, as follows:

Sec. 623.163. New heading: PERMIT FEE. Requires an application to be accompanied with a permit fee according to a fee structure. Requires DPS to send the fee to the comptroller. Deletes the requirement that an owner of certain heavy vehicles file a surety bond, and that the bond condition the owner to pay for damages caused by the operation of the vehicle. Deletes the provision that this section does not apply to a municipally owned vehicle.

SECTION 3. Amends Chapter 623H, Transportation Code, by adding Section 623.1635, as follows:

Sec. 623.1635. COMPLIANCE WITH OTHER LAWS. Authorizes a permit to be issued only if the vehicle to be operated under the permit meets certain requirements.

SECTION 4. Amends Chapter 623H, Transportation Code, by adding Section 623.1645, as follows:

Sec. 623.1645. EXCEPTION. Authorizes a vehicle owned by a municipality or a county to be

operated within certain weight limits without obtaining a permit or pay a fee.

SECTION 5. Amends Section 623.165(a), Transportation Code, to set forth situations in which a permitted person commits an offense. Makes a conforming change.

SECTION 6. Amends Chapter 623, Transportation Code, by adding Subchapter L, as follows:

SUBCHAPTER L. VEHICLES TRANSPORTING READY-MIXED CONCRETE

Sec. 623.231. DEFINITION: DESIGNATION AS PERISHABLE. Defines “ready-mixed concrete truck.”

Sec. 623.232. PERMIT TO EXCEED AXLE-LOAD RESTRICTIONS. Requires DPS to issue a permit to a person to operate on a state highway a ready-mixed concrete truck with certain weight limitations.

Sec. 623.233. PERMIT FEE. Requires an application to be accompanied with certain fees. Requires DPS to send the collected fees to the comptroller.

Sec. 623.234. LOCAL REGULATION. Authorizes a governing body of a county or municipality to prescribe rules for the operation of ready-mixed concrete trucks over public highways maintained by the county or municipality that are insufficient to carry certain loads. Authorizes the rules to include certain weight limitations.

Sec. 623.235. LOCAL SURETY BOND. Authorizes the governing body to require an owner of the concrete truck to file a surety bond of up to \$15,000, and conditioned that the owner will pay for damages caused by the operation of a vehicle with a tandem axle load heavier than 34,000 pounds.

Sec. 623.236. COMPLIANCE WITH OTHER LAWS. Authorizes the permit to be issued only if the vehicle meets certain requirements.

Sec. 623.237. INTERSTATE AND DEFENSE HIGHWAYS. Provides that the permit does not authorize operation of the vehicle on the national system of interstate and defense highways. Provides that if the United States authorizes operation of the truck with a weight greater than that authorized on January 1, 1977, the new limit automatically takes effect on the national highways.

Sec. 623.238. EXCEPTION. Authorizes a municipally owned vehicle to be operated without the permit.

Sec. 623.239. PENALTIES. Sets forth circumstances that a person holding the permit commits an offense. Establishes that an offense is a misdemeanor with certain fines or convictions. Provides that a corporation is not subject to confinement for an offense under this section, but two times the maximum fine may be imposed on the corporation.

SECTION 7. Amends Chapter 623, Transportation Code, by adding Subchapter M, as follows:

SUBCHAPTER M. CERTAIN VEHICLES TRANSPORTING RECYCLABLE MATERIALS

Sec. 623.251. DEFINITION. Defines “recyclable material.”

Sec. 623.252. APPLICABILITY OF SUBCHAPTER. Applies this chapter to a vehicle other than a tractor-trailer combination, if equipped with a container roll-off unit or a front-end loader.

Sec. 623.253. PERMIT TO EXCEED AXLE-LOAD RESTRICTIONS. Requires DPS to issue a permit to a person to operate a vehicle with certain loads on state highways.

Sec. 623.254. PERMIT FEE. Sets forth the required fee amounts for an application. Requires DPS to send the collected fees to the comptroller.

Sec. 623.255. COMPLIANCE WITH OTHER LAWS. Authorizes the issue of the permit only for certain uses.

Sec. 623.256. INTERSTATE AND DEFENSE HIGHWAYS. Provides that the permit does not authorize operation on the national system of interstate and defense highways in this state of a vehicle heavier than a certain weight. Provides that a weight or size restriction changed by the United States to a weight greater than that authorized on January 1, 1987, takes effect automatically.

Sec. 623.257. EXCEPTION. Authorizes a municipally or county owned vehicle to be operated within the weight limits without obtaining the permit or paying the fees.

Sec. 623.258. PENALTIES. Sets forth conditions under which an offense is committed by a permit holder. Establishes that an offense is a misdemeanor with certain fines or convictions. Provides that a corporation is not subject to confinement for an offense under this section, but two times the maximum fine may be imposed on the corporation.

SECTION 8. Repealer: Chapters 622B and 622J, Transportation Code (Vehicles Transporting Ready-Mixed Concrete, Certain Vehicles Transporting Recyclable Materials).

SECTION 9. Effective date: September 1, 2000.

SECTION 10. Emergency clause.