

BILL ANALYSIS

Senate Research Center
78R7758 T

S.B. 1702
By: Wentworth
Infrastructure Development and Security
5/1/2003
As Filed

DIGEST AND PURPOSE

In some cases, county roads are not built to a standard that will routinely support heavy or oversized loads. Some manufactured homes exceed the weight and size limits of roads and cause damage that can be financially burdensome for a county. As proposed, S.B. 1702 authorizes a county to require a permit to move a manufactured home over a county road, bridge, or culvert, in the county.

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 623.092, Transportation Code, as follows:

- (a) Prohibits, in a county that requires a permit for the movement of a manufactured house under Section 623.105, moving a manufactured house in excess of legal size limits for a motor vehicle over a county road, bridge, or culvert, except in accordance with a permit issued by that county.
- (b) Removes a county from the prohibition against requiring a permit, bond, fee, or license, in addition to that required by state law, for the movement of a manufactured house.

SECTION 2. Amends the heading to Section 623.093, Transportation Code, to read as follows:

Sec. 623.093. CONTENTS OF APPLICATION FOR PERMIT FROM DEPARTMENT AND PERMIT.

SECTION 3. Amends Section 623.093(a), Transportation Code, to describe the elements that must be included in the application for a permit from the Texas Department of Transportation (TxDOT).

SECTION 4. Amends Section 623.094(b), Transportation Code, to make conforming changes.

SECTION 5. Amends Sections 623.096 and 623.097, Transportation Code, as follows:

- Sec. 623.096. New heading: FEE FOR PERMIT ISSUED BY DEPARTMENT. (a) Makes conforming changes.
- (b) Makes conforming changes.
- (c) Makes conforming changes.

SECTION 6. Amends Section 623.098(b), Transportation Code, to make conforming changes.

SECTION 7. Amends Section 623.100(a), Transportation Code, to make a conforming change.

SECTION 8. Amends Section 623.104, Transportation Code, as follows:

Sec. 623.104. New heading: CIVIL AND GENERAL CRIMINAL PENALTIES. (a) No changes made to this subsection.

(b) Makes a conforming change.

(c) No changes made to this subsection.

(d) Provides that Subsections (b) and (c) do not apply to an offense under Section 623.105(f).

SECTION 9. Amends Subchapter E, Chapter 623, Transportation Code, by adding Section 623.105, as follows:

Sec. 623.105. COUNTY PERMIT FOR MOVEMENT OF MANUFACTURED HOUSE.

(a) Authorizes the commissioners court of a county to require a permit for the movement of a manufactured house in excess of legal size limits for a motor vehicle over a county road, bridge, or culvert that has a load limitation established under Subchapter B of Chapter 621 or Section 621.301.

(b) Prohibits a person, in a county in which a permit for the movement of a manufactured house is required, from moving a manufactured house in excess of legal size limits for a motor vehicle over a county road, bridge, or culvert that has a load limitation established under Subchapter B, Chapter 621 or Section 621.301, unless the person meets certain criteria.

(c) Authorizes the commissioners court of a county to impose a nonrefundable application fee not to exceed \$50 for a permit under Subsection (b).

(d) Requires a person's application for a permit under Subsection (b), if the person holds a permit issued by TxDOT, to be accompanied by certain information.

(e) Sets forth requirements for a permit issued under Subsection (b).

(f) Sets forth actions constituting an offense.

(g) Provides that an offense under Subsection (f) is a Class C misdemeanor.

SECTION 10. Effective date: September 1, 2003.

Makes application of this Act prospective.