

BILL ANALYSIS

C.S.S.B. 1383
By: Perry
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed concerns regarding the long distances tractor-trailer combinations transporting fluid milk must travel between dairies and fluid milk processing facilities and note that those tractor-trailers can now carry heavier loads of fluid milk because of manufacturing advances. C.S.S.B. 1383 seeks to address this situation by authorizing the issuance of a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that, in addition to other criteria, is not heavier than 90,000 pounds.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles and the Department of Public Safety in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 1383 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to issue a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems at a gross weight that is not heavier than 90,000 pounds and with axle weights that comply with statutory axle weight requirements. The bill prescribes the conditions under which a vehicle combination operating under the permit may exceed the maximum statutory axle weights for a two-axle group and a three-axle group and establishes that a certain affirmative defense to prosecution of, or an action for the enforcement of maximum vehicle size and weight for, the offense of operating a vehicle over the maximum allowable axle weight does not apply to these authorized excess weights. The bill requires a permit fee of \$1,200 to be paid to qualify for the permit, makes the permit valid for one year, and requires the permit to be carried in the truck-tractor for which it is issued.

C.S.S.B. 1383 requires TxDMV, when issuing such a permit to transport fluid milk, to issue a permit sticker to be placed on the front windshield of the truck-tractor and requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits for vehicles. The bill requires the sticker to indicate the permit's expiration date and to be removed from the truck-tractor when the permit expires, when a lease of the truck-tractor expires, or when the truck-tractor is sold. The bill requires an applicant for the permit to designate in the permit application the counties in which the applicant intends to operate and establishes that an issued permit is not valid in a county that is not designated in the permit application. The bill requires 75 percent of the amount of the fee collected for the permit to be deposited to the credit of the state highway fund, 15 percent of the amount collected to be divided equally among and

distributed to the counties designated in the permit application, and 10 percent of the amount collected to be deposited to the credit of the TxDMV fund. The bill requires the comptroller of public accounts, at least once each fiscal year, to send the amount due each county for the fee to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

C.S.S.B. 1383 authorizes a vehicle combination operating under a permit to transport fluid milk to operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays the required sticker and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit. The bill establishes that a permit to transport fluid milk authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation (TxDOT). The bill establishes that a permit to transport fluid milk does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established by a county commissioners court and posted. The bill prohibits a county or municipality, unless otherwise provided by state or federal law, from requiring a permit, fee, or license for the operation of a vehicle combination to which a permit to transport fluid milk applies in addition to a permit, fee, or license required by state law. The bill establishes that a permit to transport fluid milk issued under the bill's provisions is the only permit issued by TxDMV that may be used to transport fluid milk. The bill requires TxDMV to adopt rules necessary to implement the bill's provisions regarding vehicles transporting fluid milk and requires the Department of Public Safety to adopt rules requiring additional safety and driver training for a permit to transport fluid milk. The bill includes such a permit among the permits for which TxDOT is required to provide TxDMV with all routing information necessary for completion.

EFFECTIVE DATE

January 1, 2018.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1383 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 621.508, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), it ~~is~~ is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle:

- (1) had a single axle weight or tandem axle weight that was not heavier than the axle weight authorized by law plus 12 percent;
- (2) was loaded with timber, pulp wood,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

wood chips, or cotton, livestock, or other agricultural products that are:

- (A) in their natural state; and
- (B) being transported from the place of production to the place of first marketing or first processing; and
- (3) was not being operated on a portion of the national system of interstate and defense highways.

(a-1) The affirmative defense provided by Subsection (a) does not apply to the excess weights authorized under Section 623.401(b).

SECTION 2. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. VEHICLES
TRANSPORTING FLUID MILK
Sec. 623.401. PERMIT FOR VEHICLES
TRANSPORTING FLUID MILK.

Sec. 623.402. PERMIT STICKER.

Sec. 623.403. COUNTY DESIGNATION;
DISTRIBUTION OF FEE.

Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(b) A permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(c) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301, unless the county road or bridge provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under this subchapter.

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(b) A permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(c) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED.

Sec. 623.406. EXCLUSIVE PERMIT.

Sec. 623.407. RULES.

SECTION 3. Section 623.003(b), Transportation Code, is amended to read as follows:

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, ~~623.192~~, or 623.401.

SECTION 4. This Act takes effect January 1, 2018.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED.

Sec. 623.406. EXCLUSIVE PERMIT.

Sec. 623.407. RULES.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.