

BILL ANALYSIS

C.S.H.B. 2620
By: Martinez
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to improve the operations of the Texas Department of Motor Vehicles (TxDMV) by implementing recommendations of the TxDMV board relating to state law governing oversize and overweight vehicles. C.S.H.B. 2620 seeks to implement these recommendations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2620 amends the Transportation Code to create a Class C misdemeanor offense for a person who operates or moves an oversize or overweight vehicle that is issued the respective permit on a public highway and who is not the person named on the permit for the vehicle or an employee of that person and to set out exceptions to the offense for certain cases in which vehicles are being towed. The bill extends the applicability of the prohibition against a person loading, or causing to be loaded, a vehicle for operation on a public highway of Texas that exceeds applicable weight limitations to a vehicle that exceeds the height, width, or length limitations for operation of that vehicle.

C.S.H.B. 2620 authorizes the Texas Department of Motor Vehicles (TxDMV) to deny an application for an oversize or overweight vehicle permit submitted by an applicant who:

- is the subject of an out-of-service order issued by the Federal Motor Carrier Safety Administration; or
- the Department of Public Safety has determined has an unsatisfactory safety rating under federal regulations or multiple violations of commercial motor vehicle safety standards, a rule adopted under statutory provisions governing those standards, or statutory provisions governing rules of the road.

The bill establishes that such a denial is expressly not required to be preceded by notice and an opportunity for a hearing and authorizes an applicant to appeal a denial by filing an appeal with TxDMV not later than the 26th day after the date the denial is issued to the applicant.

C.S.H.B. 2620 requires 10 percent of the fee collected for an oversize or overweight vehicle permit to be deposited to the credit of the TxDMV fund with the remaining fee distribution to be

adjusted proportionately if needed, but the requirement does not apply if another provision governing those permits expressly requires a different amount of a fee 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 any amounts due to a county or municipality from fees collected for such a permit and provides for the deposit and use of those funds by the county or municipality, as applicable.

C.S.H.B. 2620 requires an oversize or overweight vehicle permit to be carried in the vehicle that is being operated under the permit in a manner prescribed by TxDMV. The bill authorizes TxDMV to require a person operating such a vehicle to use one or more escort flag vehicles and escort flaggers, as defined by the bill, if required by the Texas Department of Transportation (TxDOT) or required for the safe movement over roads of an oversize or overweight vehicle and its load. The bill prohibits a county or municipality from requiring the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house under an oversize or overweight vehicle permit that is in addition to other escort flag vehicle requirements. The bill prohibits a person from wilfully failing or refusing to comply with a lawful order or direction of an escort flagger who is directing or controlling the flow of traffic in accordance with a permit issued by TxDMV for the movement of an oversize or overweight vehicle.

C.S.H.B. 2620 revises a provision providing for the validity of a shipper's certificate of weight by requiring a shipper, on the written request of the person transporting the shipment, to certify that the information contained on the certificate is accurate and to deliver the certificate to the person transporting the shipment. The bill requires a person transporting a shipment to provide TxDMV with a copy of the applicable certificate of weight before the issuance of an overweight permit if the combined weight of the vehicle or vehicles and load is more than 200,000 pounds. The bill authorizes TxDMV to investigate and impose an administrative penalty on a shipper who does not provide the certificate of weight as required. The bill repeals provisions requiring the comptroller to send collected permit fees for the operation of certain ready-mixed concrete trucks and vehicles transporting timber to counties for deposit to the credit of the applicable county road and bridge fund, providing for the issuance by telephone of a permit for the operation of an overweight or oversize motor vehicle over a state highway, and relating to certain permit conditions for vehicles transporting fluid milk.

C.S.H.B. 2620 repeals the following Transportation Code provisions:

- Sections 623.0171(m), 623.081, and 623.324(b)
- Section 623.403(c), as added by Chapter 750 (S.B. 1383), Acts of the 85th Legislature, Regular Session, 2017
- Sections 623.404(b) and (c), as added by Chapter 108 (S.B. 1524), Acts of the 85th Legislature, Regular Session, 2017

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2620 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that the authorization for TxDMV to require a person operating under an oversize or overweight vehicle permit to use an escort flag vehicle or escort flagger if required by TxDOT or for the safe movement of the vehicle and its load applies with respect to the use of one or more escort flag vehicles and escort flaggers. The substitute does not exclude a peace officer from the definition of "escort flagger."

The substitute includes a provision clarifying that the bill's provisions establishing an offense relating to operation of permitted vehicle apply only to a vehicle that is issued an oversize or overweight vehicle permit on or after the bill's effective date.

The substitute includes a prohibition against a county or municipality requiring the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house under an oversize or overweight vehicle permit that is in addition to certain other escort flag vehicle requirements.