

BILL ANALYSIS

Senate Research Center
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S.B. 1383
By: Perry
Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Milk Transportation subchapter of the current statute dates back several years and was last updated in 1995. As production agriculture and average dairies grow larger and move further away from urban areas, where the fluid milk processing facilities are located, there is pressure for our transportation system to grow as well. Trailer manufacturers have made great strides in using lighter composites to build trailers that are safe and accommodate heavier loads.

Current statute allows for tractor-trailers hauling milk to run as heavy as 80,000 pounds on county roads, farm-to-market roads, and state highways.

S.B. 1383 allows a fluid milk truck to operate loads on county, state, and federal interstate highways (federal legislation passed in 2015 allows fluid milk trucks to run as heavy as the State of Texas will allow on the federal interstate highway system) up to 90,000 pounds with a permit for tandem axle trailer, rather than the current 80,000-pound limit. This bill requires a new permit issued at a cost of \$1200.00 to be split between the state highway fund and local counties where the permit applicants would operate and the Texas Department of Motor Vehicles.

As proposed, S.B. 1383 amends current law relating to the operation of vehicles transporting fluid milk and authorizes a fee.

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 621.102(d), Transportation Code, as follows:

(d) Authorizes a vehicle operating under a permit issued under Section 623.011 (Permit for Excess Axle or Gross Weight), 623.071 (Permit to Move Certain Equipment), 623.094 (Permit Issuance), 623.121 (Permit to Move Portable Building Unit), 623.142 (Permit to Move Oil Well Servicing or Drilling Machinery), 623.181 (Annual Permit), 623.192 (Permit to Move Unladen Lift Equipment Motor Vehicles), 623.212 (Permits by Port Authority), 623.321 (Permit), or 623.401 to operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation (TxDOT) has set a maximum weight under this section. Deletes existing text referencing Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 2. Amends Section 621.301(e), Transportation Code, as follows:

(e) Authorizes a vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, 623.212, 623.321, or 623.401 to operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section. Deletes existing text referencing Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 3. Amends Section 621.508, Transportation Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides an exception under Subsection (a-1).

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

SECTION 4. Amends Chapter 623, Transportation Code, by adding Subchapter U, as follows:

SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK. (a) Authorizes the Texas Department of Motor Vehicles (TxDMV) to issue a permit that authorizes the operation of a vehicle combination used to transport fluid milk at certain weights.

(b) Authorizes a vehicle combination operating under a permit issued under Subsection (a) to exceed the axle weights listed in Section 621.101(a) (relating to the prohibition of a vehicle from being operated over or on a public highway or at a port-of-entry between Texas and the United Mexican States for a certain vehicle) for certain axle groups if the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and the axle groups do not exceed certain weight limits.

(c) Requires a permit fee of \$1,200 to be paid in order to qualify for a permit under this subchapter,

(d) Provides that a permit issued under this subchapter is valid for one year and is required to be carried in the vehicle for which it is issued.

(e) Authorizes a vehicle issued a permit under this subchapter to operate on a federal interstate highway or a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the vehicle 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.

Sec. 623.402. PERMIT STICKER. (a) Requires TxDMV, when TxDMV issues a permit under this subchapter, to issue a sticker to be placed on the front windshield of the vehicle. Requires TxDMV to design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) Requires that the sticker indicate the expiration date of the permit and be removed from the vehicle when the permit for operation of the vehicle expires, a lease of the vehicle expires, or the vehicle is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE. (a) Requires an applicant for a permit under this subchapter to designate in the permit application the counties in which the applicant intends to operate. Provides that a permit issued under this subchapter is not valid in a county that is not designated in the permit application.

(b) Provides that, of the fee collected under this subchapter for a permit, 75 percent of the amount collected is required to be deposited to the credit of the state highway fund, 15 percent of the amount collected is required to be divided equally among and distributed to the counties designated in the permit application, and 10 percent of the amount collected is required to be deposited to the credit of the TxDMV fund.

(c) Requires the Texas comptroller of public accounts, at least once each fiscal year, to send the amount due each county under Subsection (b) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.404. ROUTE RESTRICTIONS. (a) Provides that, except as provided by Subsection (b), a permit issued under this subchapter does not authorize the operation of a vehicle combination on a bridge for which a maximum weight and load limit has been established and posted under Section 621.102 (Authority to Set Maximum Weights) or 621.301 (County's Authority to Set Maximum Weights), if the gross weight of the vehicle combination and load or the axles and wheel loads are greater than the limits established and posted under those sections.

(b) Provides that the restrictions under Subsection (a) do not apply if a bridge described by that subsection provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under this subchapter.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. 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 described by Section 623.401(a) or (b) in addition to a permit, fee, or license required by state law.

Sec. 623.406. EXCLUSIVE PERMIT. Prohibits any other permit under this chapter from being used to transport fluid milk, provided that a vehicle combination operating under a permit issued under this subchapter is authorized to be operated in accordance with a permit issued under Subchapter K (Port Authority Permits), L (Victoria County Navigation District Permits), M (Chambers County Permits), O (Port of Corpus Christi Authority Roadway Permits), P (Port of Corpus Christi Authority Permits), S (Regional Mobility Authority Permits), or T (Webb County Permits).

SECTION 5. Effective date: January 1, 2018.