

## **BILL ANALYSIS**

C.S.H.B. 2606  
By: King, Ken  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that well service rigs used in the oilfield to service and maintain oil and gas wells come in a variety of shapes, sizes, and weights and have service lives that are measured in decades. Over the decades these rigs are routinely rebuilt and modified and new components and systems are incorporated as technologies are developed and regulations change. Some of these vehicles include combinations of single, tandem, triple, and quad axles with weights well exceeding other types of oversize and overweight vehicles. These parties note that rig operators have been confronted with a variety of problems in complying with Texas Department of Motor Vehicles regulations for oversize and overweight vehicles. Some problems stem from the operators' inability to determine rig axle weights at off-road locations before traveling on public roads. Additionally, the current permits issued to these rigs are not optimal, given that the rigs spend the majority of their time off-road where the oil and gas wells are located. While the oil industry wants to be in compliance with state law, the lack of a permit that allows these specialized vehicles to operate legally makes compliance difficult. These rigs have necessarily evolved with the industry to service the type of wells that are now being drilled. Therefore, the industry needs the permits to evolve with them. C.S.H.B. 2606 seeks to address this issue by revising provisions relating to permits for certain oversize and overweight vehicles.

### **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 board of the Texas Department of Motor Vehicles in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 2606 amends the Transportation Code to include a determination regarding whether the Texas Department of Motor Vehicles (TxDMV) will issue a sticker to be placed on a vehicle to indicate the issuance of a permit for the movement of oversize or overweight oil well servicing or oil well drilling machinery and equipment on certain public highways among the content required to be included in the rules the board of TxDMV adopts to provide for the issuance of such permits. The bill requires the board to adopt a rule authorizing an annual permit for a vehicle with a maximum gross weight of more than 80,000 pounds in addition to any other permits established by rule for certain oil well servicing and drilling machinery. The bill requires the annual permit to specify the permitted axle weight for the vehicle and the permitted gross weight for the vehicle, which the bill caps at 135,000 pounds. The bill caps the fee for the annual permit at \$2,000. The bill caps the axle weight and gross weight allowed under the annual permit at the maximum allowable weight provided by board rule for the vehicle, plus a tolerance allowance of five percent of the allowable axle weight and five percent of the allowable gross

weight. The bill caps at 135,000 pounds the sum of the maximum gross weight for the vehicle and the gross weight tolerance for purposes of the axle weight and gross weight allowed under the permit.

**EFFECTIVE DATE**

September 1, 2015.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2606 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 621.102(d), Transportation Code, is amended to read as follows:

No equivalent provision.

(d) A vehicle operating under a permit issued under Section 623.011, 623.0172, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

SECTION 2. Section 621.301(e), Transportation Code, is amended to read as follows:

No equivalent provision.

(e) A vehicle operating under a permit issued under Section 623.011, 623.0172, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section.

SECTION 3. Sections 621.506(a), (b), and (g), Transportation Code, are amended to read as follows:

No equivalent provision.

(a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, 622.012, 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.151, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) Except as provided by Subsections (b-1), (b-2), and (b-3), an offense under this section

is a misdemeanor punishable:

(1) by a fine of not less than \$100 and not more than \$250;

(2) on conviction of an offense involving a vehicle having a single axle weight, ~~or~~ tandem axle weight, triple axle weight, or quad axle weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500
2,500-5,000	\$500 to \$1,000
more than 5,000	\$1,000 to

\$2,500; or

(3) on conviction of an offense involving a vehicle having a gross weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500
2,500-5,000	\$500 to \$1,000
5,001-10,000	\$1,000 to \$2,500
10,001-20,000	\$2,500 to \$5,000
20,001-40,000	\$5,000 to \$7,000
more than 40,000	\$7,000 to

\$10,000.

(g) Except as provided by Subsection (h), a governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle weight, triple axle weight, quad axle weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

SECTION 4. Chapter 622, Transportation Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. SPECIAL USE VEHICLES

Sec. 622.151. AXLE WEIGHT RESTRICTIONS. (a) In this section, "special use vehicle" means a self-propelled well-servicing unit.

(b) A special use vehicle may be operated on a public highway of this state only if:

(1) the quad axle weight is not heavier than 120,000 pounds;

(2) the triple axle weight is not heavier than 90,000 pounds;

(3) the tandem axle weight is not heavier

No equivalent provision.

than 65,000 pounds; and  
(4) the single axle weight is not heavier than 30,000 pounds.

(c) A special use vehicle may be operated at a weight that exceeds the maximum single axle, tandem axle, triple axle, or quad axle weight limitation by not more than 10 percent if the gross weight is not heavier than 135,000 pounds and the department has issued a permit that authorizes the operation of the vehicle under Section 623.0172.

Sec. 622.152. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on September 1, 2015, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

SECTION 5. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as follows:

Sec. 623.0172. PERMIT FOR SPECIAL USE VEHICLE. (a) In this section, "special use vehicle" has the meaning assigned by Section 622.151.

(b) The department may issue a permit that authorizes the operation of a special use vehicle with not more than six axles.

(c) To qualify for a permit under this section, a base permit fee of \$1,000 must be paid, except as provided by Subsection (g).

(d) A permit issued under this section:

(1) is valid for one year, except as provided by Subsection (g); and

(2) must be carried in the vehicle for which it is issued.

(e) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(f) The sticker must:

(1) indicate the expiration date of the permit; and

No equivalent provision.

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

(g) The department may issue a permit under this section that is valid for a period of less than one year. The department shall prorate the applicable fee required by Subsection (c) for a permit issued under this subsection as necessary to reflect the term of the permit.

(h) Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a special use vehicle in addition to a permit, fee, or license required by state law.

(i) Unless otherwise provided by state or federal law, a special use vehicle may operate on 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 Subsection (e) and does not exceed the maximum gross weight authorized under Section 622.151.

(j) For the purposes of Subsection (k), the department by rule shall require an applicant to designate in the permit application the counties in which the applicant intends to operate.

(k) Of the fee collected under this section for a permit:

(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided among and distributed to the counties designated in permit applications under Subsection (j) according to department rule.

(l) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (k) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

No equivalent provision.

SECTION 1. Section 623.145, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The board, in consultation with the commission, by rule shall provide for the issuance of permits under this subchapter. The rules must include each matter the board and commission determine necessary to implement this subchapter and:

(1) requirements for forms and procedures used in applying for a permit;

(2) conditions with regard to route and time of movement;

(3) requirements for flags, flaggers, and warning devices;

(4) a determination regarding whether the department will issue a sticker to be placed on the vehicle to indicate the issuance of the permit;

(5) the fee for a permit; and

(6) [~~5~~] standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(c) In addition to any other permits established by rule under this subchapter, the board shall adopt a rule authorizing an annual permit for a vehicle with a maximum gross weight of more than 80,000 pounds. The annual permit must specify the permitted axle weight for the vehicle and the permitted gross weight for the vehicle, which may not exceed 135,000 pounds. The fee for the annual permit may not exceed \$2,000.

(d) The axle weight and gross weight allowed under an annual permit authorized under Subsection (c) may not exceed the maximum allowable weight provided by board rule for the vehicle, plus a tolerance allowance of:

(1) five percent of the allowable axle weight; and

(2) five percent of the allowable gross weight, except that the sum of the maximum gross weight for the vehicle and the gross weight tolerance may not exceed 135,000 pounds.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the

SECTION 2. This Act takes effect September 1, 2015.

vote necessary for immediate effect, this Act  
takes effect September 1, 2015.