

BILL ANALYSIS

C.S.S.B. 1338
By: Perry
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that many Texas farmers have to annually transport their harvesting equipment long distances, including across state lines, to get to the fields they plan to harvest. The parties further report that certain vehicle length limitations place some farmers in the unfortunate position of having to disconnect part of the machinery being towed and leave it behind. The parties note that the practice of leaving expensive equipment behind and then traveling back, often hundreds of miles, to recover it places an undue burden on farmers and can result in damage to or theft of valuable equipment. C.S.S.B. 1338 seeks to address this issue.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1338 amends the Transportation Code to exempt from statutory length limitations on certain vehicles or combinations of vehicles a truck-tractor operated in combination with a semitrailer and trailer or semitrailer and semitrailer if the combination is used to transport a harvest machine that is used in farm custom harvesting operations on a farm, if the overall length of the combination, excluding the length of the truck-tractor, is not longer than 81-1/2 feet, and if the combination is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system. The bill removes the exemption from such length limitations for a vehicle or combination of vehicles used to transport a combine that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than 75 feet, if the vehicle is traveling on such highways, or if such overall length is not longer than 81-1/2 feet, if the vehicle is not traveling on such highways, and replaces it with an exemption for a vehicle or combination of vehicles used to transport a harvest machine that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than 75 feet, regardless of whether it is traveling on such a highway.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1338 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 622.902, Transportation Code, is amended to read as follows:

Sec. 622.902. LENGTH EXCEPTIONS. The length limitations provided by Sections 621.203 to 621.205 do not apply to:

- (1) machinery used exclusively for drilling water wells, including machinery that is itself a unit or that is a unit mounted on a conventional vehicle or chassis;
- (2) a vehicle owned or operated by a public, private, or volunteer fire department;
- (3) a vehicle or combination of vehicles operated exclusively in the territory of a municipality or to a combination of vehicles operated by a municipality in a suburb adjoining the municipality in which the municipality has been using the equipment or similar equipment in connection with an established service to the suburb;
- (4) a truck-tractor, truck-tractor combination, or truck-trailer combination exclusively transporting machinery, materials, and equipment used in the construction, operation, and maintenance of facilities, including pipelines, that are used for the discovery, production, and processing of natural gas or petroleum;
- (5) a drive-away saddlemount vehicle transporter combination or a drive-away saddlemount with fullmount vehicle transporter combination, as defined by 23 C.F.R. Part 658 or its successor, if:
 - (A) the overall length of the combination is not longer than 97 feet; and
 - (B) the combination does not have more than three saddlemounted vehicles if the combination does not include more than one fullmount vehicle;
- (6) the combination of a tow truck and another vehicle or vehicle combination if:
 - (A) the other vehicle or vehicle combination cannot be normally or safely driven or was abandoned on a highway; and
 - (B) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 622.902, Transportation Code, is amended to read as follows:

Sec. 622.902. LENGTH EXCEPTIONS. The length limitations provided by Sections 621.203 to 621.205 do not apply to:

- (1) machinery used exclusively for drilling water wells, including machinery that is itself a unit or that is a unit mounted on a conventional vehicle or chassis;
- (2) a vehicle owned or operated by a public, private, or volunteer fire department;
- (3) a vehicle or combination of vehicles operated exclusively in the territory of a municipality or to a combination of vehicles operated by a municipality in a suburb adjoining the municipality in which the municipality has been using the equipment or similar equipment in connection with an established service to the suburb;
- (4) a truck-tractor, truck-tractor combination, or truck-trailer combination exclusively transporting machinery, materials, and equipment used in the construction, operation, and maintenance of facilities, including pipelines, that are used for the discovery, production, and processing of natural gas or petroleum;
- (5) a drive-away saddlemount vehicle transporter combination or a drive-away saddlemount with fullmount vehicle transporter combination, as defined by 23 C.F.R. Part 658 or its successor, if:
 - (A) the overall length of the combination is not longer than 97 feet; and
 - (B) the combination does not have more than three saddlemounted vehicles if the combination does not include more than one fullmount vehicle;
- (6) the combination of a tow truck and another vehicle or vehicle combination if:
 - (A) the other vehicle or vehicle combination cannot be normally or safely driven or was abandoned on a highway; and
 - (B) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair,

terminal, or destination of unloading; ~~[or]~~
(7) a vehicle or combination of vehicles used to transport a harvest machine ~~[combine]~~ that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than:

~~(A) 75 feet if the vehicle is traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or~~

~~(B) 81-1/2 feet if the vehicle is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or~~

(8) a truck-tractor operated in combination with a semitrailer and trailer or semitrailer and semitrailer if:

(A) the combination is used to transport a harvest machine that is used in farm custom harvesting operations on a farm;

(B) the overall length of the combination, excluding the length of the truck-tractor, is not longer than 81-1/2 feet; and

(C) the combination is traveling on a highway that:

(i) is not part of the national system of interstate and defense highways or the federal aid primary highway system; and

(ii) is located in a county with a population of less than 50,000.

SECTION 2. 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 vote necessary for immediate effect, this Act takes effect September 1, 2015.

terminal, or destination of unloading; ~~[or]~~
(7) a vehicle or combination of vehicles used to transport a harvest machine ~~[combine]~~ that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than[~~:~~

~~[(A)] 75 feet [if the vehicle is traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system]; or~~

(8) a truck-tractor operated in combination with a semitrailer and trailer or semitrailer and semitrailer if:

(A) the combination is used to transport a harvest machine that is used in farm custom harvesting operations on a farm;

(B) the overall length of the combination, excluding the length of the truck-tractor, is not longer than 81-1/2 feet; and

(C) the combination [if the vehicle] is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system.

SECTION 2. Same as engrossed version.