

SUBJECT: Revising commercial truck size and weight restrictions and penalties

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Alexander, Hawley, Y. Davis, Edwards, Hamric, Hill, Noriega,
Pickett, Swinford

0 nays

SENATE VOTE: On final passage, April 19 — voice vote

WITNESSES: No public hearing

DIGEST: SB 886 would revise and modify various size and weight provisions in Transportation Code, chapters 621, 622 and 623, which restrict commercial vehicle size and weight.

The bill would make penalties for axle weight violations the same as those for gross weight violations. Fines would range from \$100 to \$150 for minor weight violations, \$300-\$500 for violations exceeding 5,000 pounds, and \$500-\$1,000 for violations exceeding 10,000 pounds. Fines would double for second convictions occurring within 12 months. Penalties for overweight trucks would be consolidated under sec. 621.506;

SB 886 would allow owners or operators to shift, but not remove, loads to reduce or eliminate excess axle weight penalties prior to assessment.

Also with regard to axle weights, the bill would:

- ! define single and tandem axle weights;
- ! clarify that tire ratings, axle spacing and number of axles would not affect overall gross weight limits on a group of two or more consecutive axles;
- ! allow the Texas Transportation Commission (TTC) to set maximum single and tandem axle weight limits on highways and roads in addition to gross weight limits.

Other provisions of the bill would:

- ! modify overweight truck limits by requiring DPS to use tire ratings to determine weight limits rather than tire width;
- ! exclude the length of towing devices from the maximum lengths allowed for semi-trailers operated with truck-tractors;
- ! specify that maximum weights set for roads by TTC or county commissioners courts did not preclude operation by permitted trucks;

Regarding overweight vehicles transporting specific types of goods, the bill would:

- ! clarify that operators of overweight vehicles transporting in their natural states various commodities, including livestock, from production to initial marketing or processing would have a defense to prosecution if the axle weights did not exceed limits by more than 12 percent, unless they were operating on roads or bridges with weight limits lower than the maximums allowed for their vehicles;
- ! remove the in-state destination requirement from the unloading exemption for overweight livestock trucks;
- ! clarify the weight limit for certain size trucks transporting raw wood products;
- ! apply current exemptions for trucks transporting seed cotton modules only to single motor vehicles; and
- ! clarify that state law automatically would reflect any new federal weight limits adopted for timber or timber product trucks operating on the national interstate highway system, but that state law currently does not authorize on interstate highways size or weight limits greater than federal limits.

The bill also would repeal the following provisions to reflect changes made elsewhere by the bill, regarding:

- ! maximum size and weight for containers or bindings (sec. 621.505);
- ! penalties for overweight concrete trucks (sec. 622.017);
- ! penalties for overweight milk trucks (sec. 622.033);
- ! the 1933 weight schedule for hauling timber (sec. 622.081);
- ! penalties for overweight recycling trucks (sec. 622.136);

- ! oil field equipment exemptions (sec. 622.951); and
- ! penalties for overweight solid waste trucks (sec. 623.165).

SB 886 would take effect September 1, 2001.

**SUPPORTERS
SAY:**

SB 886 would revise and update outdated statutes restricting commercial vehicle size and weight. Some provisions have been in statute since the 1930s, according to the Department of Public Safety (DPS). SB 886 would modify the Transportation Code to reflect current practices, provide much-needed clarification and consolidation, and penalize two similar types of related violations equally. The latter change would balance the need to recover more of the costs of road damage repairs against the goal of promoting economic development.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

SB 220 by Shapiro, also scheduled on today's General State Calendar, would make similar changes to sec. 621.101 dealing with maximum weight. SB 220 would delete the reference to enforcement tolerances in 621.101(b), however, while SB 886 would retain that language.