

- SUBJECT:** Requiring certain overweight vehicles to carry copies of bond documents
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Alexander, Hawley, Y. Davis, Edwards, Hamric, Hill, Noriega, Pickett, Swinford
- 0 nays
- 0 absent
- SENATE VOTE:** On final passage, April 3 — voice vote
- WITNESSES:** For — Les Findeisen, Texas Motor Transportation Association; *Registered but did not testify:* James Allison, County Judges and Commissioners Association of Texas
- Against — None
- BACKGROUND:** Transportation Code, chs. 622 and 623 require owners of trucks operating on public roadways with tandem axle loads exceeding 34,000 pounds that transport ready-mixed concrete, recyclable materials or solid waste to file \$15,000 surety bonds with the Texas Department of Transportation (TxDOT).
- DIGEST:** SB 889 would require operators of certain overweight trucks to carry copies of bonds in their trucks when operating on public roadways and to present them on request to officers authorized to enforce weight restriction statutes. Failure to do so would be a misdemeanor punishable by a fine of up to \$200.
- The bill would take effect September 1, 2001.
- SUPPORTERS SAY:** Requiring operators of certain overweight trucks to keep copies of bonds in their vehicles would streamline the process of bonding verification for both TxDOT and law enforcement officers. Most overweight trucks obtain what are known as “2060” permits to operate on public roadways. The permits require \$15,000 surety bonds. Concrete, recyclables and solid waste trucks

are exempt from the permit requirement but not from bonding. The absence of permits complicates bonding verification. Law enforcement officers must contact TxDOT, causing extra work and delaying drivers. The fine would help assure compliance with bonding requirements and would reimburse local governments for some of their enforcement and road repair costs.

OPPONENTS  
SAY:

This bill would place a heavier burden on owners and operators of three-axle rigs, who currently are exempt from 2060 permits, than on other commercial trucks. It would create an incentive for law enforcement to generate revenue at truckers' expense, which could lead to higher costs of freight and, ultimately, higher costs for many wholesale and consumer goods.

OTHER  
OPPONENTS  
SAY:

SB 889 should allow dismissal of citations for violations if defendants could prove that bonds were in effect at the time offenses occurred. Rather than requiring a copy of the bond itself, the bill should allow operators to carry cards showing proof of bonding, like motorists carry cards showing proof of insurance. Truckers who may be in and out of their vehicles frequently should not be penalized for losing a piece of paper.