

SUBJECT: Establishing requirements for escort flag vehicles; creating an offense

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Canales, Bernal, Y. Davis, Goldman, Krause, Leman,  
Martinez, Ortega, Raney, Thierry, E. Thompson

1 nay — Hefner

1 absent — Landgraf

WITNESSES: For — (*Registered, but did not testify*: D.J. Pendleton, Texas  
Manufactured Housing Association; Dana Moore, Texas Trucking  
Association)

Against — (*Registered, but did not testify*: Adam Haynes, Conference of  
Urban Counties; Aimee Bertrand, Harris County Commissioners Court)

On — (*Registered, but did not testify*: Jimmy Archer, Texas Department  
of Motor Vehicles)

DIGEST: CSHB 2620 would establish requirements for permits for escort flag  
vehicles and for the loading and operation of oversize or overweight  
vehicles. The bill also would create an offense for violating certain permit  
requirements.

**Escort flag vehicles.** The bill would define an "escort flag vehicle" as a  
vehicle that preceded or followed an oversize or overweight vehicle  
operating under a permit issued by the Texas Department of Motor  
Vehicles (TxDMV) for the purpose of facilitating the safe movement of  
the vehicle over roads.

An "escort flagger" would be defined as a person who:

- had successfully completed a training program in traffic direction  
established by the Texas Commission on Law Enforcement; and

- in accordance with a permit issued by the department, operated an escort flag vehicle or directed and controlled the flow of traffic using a hand signaling device or an automated flagger assistance device.

Escort flaggers would be exempt from compliance with traffic-control devices. Drivers would be required to obey an escort flagger who was directing or controlling the flow of traffic in accordance with a permit issued by TxDMV for the movement of an oversize or overweight vehicle.

**Permits.** The bill would authorize TxDMV to deny an application for a permit for the operation of an overweight or oversize vehicle submitted by an applicant who:

- was the subject of an out-of-service order issued by the Federal Motor Carrier Safety Administration; or
- the Department of Public Safety determined had either an unsatisfactory federal safety rating or multiple violations of commercial vehicle safety standards.

Denials would not be required to be preceded by notice or an opportunity for hearing, but applicants could appeal a denial by filing an appeal within 26 days after it was issued.

**Permit requirements.** Permits would have to be carried in the vehicle operated under the permit. If the person operating or moving on a public highway a vehicle with a permit issued by TxDMV for an oversize or overweight vehicle was not the person named on the permit or an employee of that person, the person operating the vehicle would commit a class C misdemeanor offense (maximum fine of \$500).

An exception to the offense would occur if:

- the vehicle being operated or moved was a combination of a tow truck and a disabled, abandoned, or accident-damaged vehicle or vehicle combination; and

- the tow truck was towing the other vehicle or vehicle combination directly to the nearest terminal, vehicle storage facility, or authorized place of repair.

TxDMV could require a person operating under a permit for an oversize or overweight vehicle to use one or more escort flag vehicles and escort flaggers if required by the Texas Department of Transportation (TxDOT) or for the safe movement over roads.

A county or municipality would be prohibited from requiring the use of an escort flag vehicle or any other kind of escort for the movement of a manufactured house that was in addition to the requirements outlined by the bill.

**Permit fees.** The bill would require 10 percent of the fee collected for permits issued by TxDMV for oversize or overweight vehicles to be deposited to the credit of the Texas Department of Motor Vehicles fund, with the remaining fee distribution adjusted proportionately, if needed. This would apply only to a permit authorized on or after September 1, 2019. It would not apply if a statute concerning permit fees for oversize or overweight vehicles expressly required a different amount to be deposited into the fund.

The comptroller would be required to send any amounts due to a county or municipality from fees collected for permits for oversize or overweight vehicles at least once each fiscal year. The amount due would have to be sent to the county treasurer or applicable office for deposit to the credit of the county road and bridge fund. Money due to municipalities would have to be sent to the office performing the function of the treasurer and could be used by the municipality only to fund commercial motor vehicle enforcement programs, road and bridge maintenance, or infrastructure projects.

**Shipment requirements.** The bill would specify that, on the written request of the person transporting a shipment, a shipper would be required to certify that the information contained on the certificate of weight was

accurate and to deliver the certificate of weight to the person transporting the shipment.

In addition, the bill would require a person transporting a shipment to provide the department with a copy of the certificate of weight before the issuance of an overweight permit if the combined weight of the vehicle or vehicles and load was more than 200,000 pounds. Loading a shipment larger than a vehicle's height, width, or length limitations would be prohibited.

The bill would authorize TxDMV to investigate and impose administrative penalties on a shipper who did not provide a shipper's certificate of weight.

**Repealed provisions.** The bill would repeal requirements mandating that the comptroller, at least once each fiscal year, send the amount due to each county for fees related to permits for ready-mixed concrete trucks, or for permits for vehicles transporting timber or fluid milk.

The bill also would repeal the requirement that TxDMV provide for issuing a permit for the operation of an oversize or overweight vehicle by telephone.

The bill would repeal the following provisions regarding permits for vehicles transporting fluid milk:

- a provision authorizing the operation of a truck-tractor and semitrailer combination only on highways and roads approved by TxDOT; and
- a provision prohibiting the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit was established and posted.

The bill would take effect September 1, 2019.

SUPPORTERS CSHB 2620 would codify recommendations made by the Texas

**SAY:** Department of Motor Vehicles and would reduce strain on police resources by enabling escort flaggers to direct and control traffic. This would enable an oversize or overweight vehicle to use roads safely.

Escort flaggers would receive the same traffic control training as police officers, which would prevent local police departments from having to allocate resources to short periods of traffic interruption.

The bill specifies that any allocation of permit fees to the Texas Department of Motor Vehicles fund could be set for a specific permit, which would allow counties and municipalities to keep a potentially larger portion of total fees.

**OPPONENTS SAY:** CSHB 2620 would place a strain on local governments by setting the default allocation of permit fees for oversize or overweight vehicles to the Texas Department of Motor Vehicles fund at 10 percent. Counties and municipalities rely on permit fees to pay for repairs to roads and bridges damaged by overweight or oversized vehicles. This default allocation would only increase their share of that burden.