

BILL ANALYSIS

Senate Research Center
2001S0110/1

S.B. 220
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State Affairs
2/5/2001
As Filed

DIGEST AND PURPOSE

Currently, Texas law prohibits the loading and unloading of a vehicle exceeding certain weight limitations for operation on a state highway, and requires the loading to be observed by an authorized officer in order to enforce this provision. The law also states that Department of Public Safety License and Weight enforcement officers can only weigh a vehicle on a state maintained highway, and they are required to use an antiquated method of determining the legal weight for operating a vehicle. Current state law requires only commercial vehicle companies to maintain trailering equipment in accordance with federal Commercial Vehicle Safety Standards which can only be enforced by certain peace officers, and allows a commercial vehicle with a weight tolerance permit to travel over any bridge in the state regardless of the vehicle's weight. As proposed, S.B. 220 addresses each of these problems by allowing courts to use documents to convict overweight vehicle violators, increasing the authority of police officers in enforcing weight standards on any public highway, restricting the use of bridges by commercial vehicles regardless of a weight tolerance permit, and requiring owners of intermodal trailering equipment to maintain their equipment in accordance with federal Commercial Vehicle Safety Standards.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 621A, Transportation Code, by adding Section 621.007, as follows:

Sec. 621.007. EVIDENCE OF VIOLATION. Provides that a document, in a proceeding in which a violation of a weight restriction under this subtitle may be an issue, is admissible as relevant evidence of the violation if the document is of a certain type. Provides that this section does not limit the admissibility of any other evidence relating to the violation.

SECTION 2. Amends Section 621.101, Transportation Code, by prohibiting a vehicle or combination of vehicles from being operated over or on a public highway or at a port-of-entry between Texas and the United Mexican States if the vehicle or combination has a single axle weight, rather than an axle, carrying a load heavier than 20,000 pounds, rather than 16,000 pounds on high pressure or 20,000 pounds on low tire pressure; or tires that carry a weight greater than the weight specified and marked on the sidewall of the tire, unless the vehicle is being operated under the terms of a special permit. Deletes text referring to the amount of pressure allowed on a wheel. Prohibits the overall gross weight on a vehicle, rather than group of two or more consecutive axles, from being heavier than 80,000 pounds, regardless of tire ratings, axle spacing (bridge), and number of axles, rather than including all enforcement tolerances. Defines "single axle" and redefines "tandem axle."

SECTION 3. Amends Chapter 621F, Transportation Code, by adding Section 621.410, as follows:

Sec. 621.410. WEIGHT RECORD. Provides that this section applies only to cargo transported by a commercial motor vehicle. Requires a person who weighs cargo before or after unloading

or who loads or unloads cargo on the basis of liquid volume measure to keep a written record, in the form prescribed by the Department of Public Safety (department), containing the information required by Subsection (c). Requires the record to be kept at least 30 days after its creation, and requires the record to be available, without a warrant, for inspection and copying by a weight enforcement officer on demand. Requires a record under this section to contain certain information.

SECTION 4. Amends Chapter 621G, Transportation Code, adding Section 621.509, as follows:

Sec. 621.509. FAILURE TO MAINTAIN WEIGHT RECORD. Provides that a person commits an offense, which is a Class C misdemeanor, if the person fails to keep a weight record in violation of Section 621.410.

SECTION 5. Amends Section 623.011(c), Transportation Code, by deleting the text that restricts the operation of vehicles of certain weight on certain roads within the state.

SECTION 6. Amends Chapter 623B, Transportation Code, by adding Section 623.0113, as follows:

Sec. 623.0113. ROUTE RESTRICTIONS. Provides that a permit issued under Section 623.011 does not authorize the operation of a vehicle on certain highways, bridges, or culverts in this state. Provides that such restrictions do not apply if such a bridge or culvert provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under Section 623.011.

SECTION 7. Amends Section 644.101(b), Transportation Code, by providing that a police officer is eligible to apply for certification under this section if the police officer serves in a municipality with a population of 25,000 or more, any part of which is located in a county with a population of 2, rather than 2.4, million or more.

SECTION 8. Amends Chapter 644, Transportation Code, by adding Subchapter F, as follows:

SUBCHAPTER F. INTERMODAL VEHICLE SAFETY STANDARDS

Sec. 644.251. DEFINITIONS. Defines “intermodal vehicle” and “motor carrier.”

Sec. 644.252. TENDER OR INTERCHANGE PROHIBITED. Prohibits the owner of an intermodal vehicle from permitting the tender or interchange of the intermodal vehicle for use by a motor carrier on any highway in violation of the requirements contained in the federal motor carrier safety regulations.

Sec. 644.253. MOTOR CARRIER INSPECTION. Requires the tenderer to allow the motor carrier adequate equipment, time, and facilities to perform the inspection required by the United States Department of Transportation under federal motor carrier safety regulations, before the tender or interchange of an intermodal vehicle for the purposes of transportation by a motor carrier. Authorizes a motor carrier to accept an intermodal vehicle only if it passes inspection. Requires the tenderer of the intermodal vehicle, if the vehicle fails inspection, to make necessary repairs or make available a replacement intermodal vehicle which passes such an inspection. Prohibits a tenderer from putting the intermodal vehicle into use on any highway until all necessary repairs have been completed, if a tenderer has knowledge that an intermodal vehicle does not meet the federal motor carrier safety regulations.

Sec. 644.254. CERTIFICATION PROHIBITED. Prohibits a motor carrier from certifying or guaranteeing that an intermodal vehicle complies with federal motor carrier safety regulations to a person tendering or interchanging the intermodal vehicle for the purposes of transportation by another motor carrier.

Sec. 644.255. DEPARTMENT INSPECTION. Authorizes an officer or employee of the department who has been certified by the public safety director to enter intermodal vehicle tender facilities and inspect, identify, and tag intermodal vehicles that may require repairs before being tendered for use on public highways.

Sec. 644.256. DEPARTMENT DATABASE. Requires the Department of Public Safety to develop and maintain a database of roadside intermodal vehicle reports for defects and violations discovered during a roadside inspection on any intermodal vehicle tendered to a motor carrier.

Sec. 644.257. AGREEMENTS VOID. Provides that a provision contained in an intermodal interchange contract providing for a hold harmless or indemnity agreement, or both, between the motor carrier and the tenderer or owner of the intermodal vehicle contrary to the provisions of this subchapter is contrary to public policy and is unenforceable and void.

Sec. 644.258. REIMBURSEMENT FOR FINES, PENALTIES, EXPENSES, AND FEES. Requires the owner of the intermodal vehicle to reimburse the motor carrier, (if the motor carrier did not cause the problems) after the tender of the vehicle, for all fines, penalties, expenses, and reasonable attorney fees, not later than 60 days after the receipt of the notice from the motor carrier, incurred pursuant to the out-of-service order, including all repairs needed to comply with federal motor carrier safety regulations. Provides that this only applies if an intermodal vehicle from a tenderer is placed in initial service in this state by a motor carrier and the intermodal vehicle is removed from service as a result of a roadside inspection conducted before the end of the fifth day after the date of that placement and before the next interchange.

Sec. 644.259. RESPONSIBILITY OF MOTOR CARRIER NOT AFFECTED. Provides that nothing in this subchapter is intended to eliminate the responsibility and obligation of a motor carrier to maintain and operate vehicles in accordance with federal motor carrier safety regulations and applicable state and local laws and regulations.

SECTION 9. Effective date: September 1, 2001.

Makes application of this Act prospective.