

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 220
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State Affairs
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Committee Report (Substituted)

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. C.S.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 establishing municipal and county enforcement requirements.

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 Subsection (a), Section 621.301, Transportation Code, to authorize the commissioners court of a county to establish load limits for any county road or bridge only with the concurrence of the Department of Transportation (department).

SECTION 4. 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), containing the information required by this section. Requires the record to be kept at least 180 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 5. 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 6. Amends Section 623.011(c), Transportation Code, by deleting text that restricts the operation of vehicles of certain weight on certain roads within the state.

SECTION 7. 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 and bridges in this state. Provides that such restrictions do not apply if such a bridge 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 8. Amends Chapter 644A, Transportation Code, by adding Section 644.005, as follows:

Sec. 644.005. **DEPARTMENT DATABASE.** Requires the department to develop and maintain a database on roadside intermodal vehicle reports for defects and violations discovered during a roadside inspection on any intermodal vehicle tendered to a motor carrier. Requires the database to include all citations involving intermodal equipment issued by officers certified under Section 644.101.

SECTION 9. Amends Section 644.101, Transportation Code, as follows:

Sec. 644.101. New heading: **CERTIFICATION OF CERTAIN PEACE OFFICERS.** Requires the department to establish procedures, including training for the certification of municipal police officers, sheriffs, and deputy sheriffs to enforce this chapter. Provides that a sheriff or deputy sheriff of a county bordering the United Mexican States is eligible to apply for certification under this section. Requires the department by rule to establish reasonable fees sufficient to recover from a municipality or a county the cost of certifying its peace, rather than police, officers.

SECTION 10. Amends Section 644.102, Transportation Code, as follows:

Sec. 644.102. New heading: **MUNICIPAL AND COUNTY ENFORCEMENT REQUIREMENTS.** Authorizes a county, in each fiscal year, to retain fines from the enforcement of this chapter in an amount not to exceed 110 percent of the county's actual expenses for enforcement of this chapter in the preceding fiscal year, as determined by the comptroller of public accounts (comptroller) after reviewing the most recent county audit conducted under Chapter 115 (Audit of County Finances), Local Government Code. Authorizes a county, if there are not actual expenses for enforcement of this chapter in the most recent county audit, to retain fines in an amount not to exceed 110 percent of the amount the comptroller estimates would be the county's actual expenses for enforcement of this chapter during the year. Requires the department to revoke or rescind the certification of any peace, rather than municipal police, officer who fails to comply with any standard established under this

section. Makes conforming changes.

SECTION 11. Amends Section 644.103 (b), Transportation Code, to authorize a municipal police officer who is certified under Section 644.101 to detain on a highway or at a port of entry within the territory of the municipality a motor vehicle that is subject to this chapter. Authorizes a sheriff or deputy sheriff who is certified under Section 644.101 to detain on a highway or at a port of entry within the territory of the county a motor vehicle that is subject to this chapter.

SECTION 12. Effective date: September 1, 2001.
Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. No change.

SECTION 2. No change.

SECTION 3. Adds a new SECTION regarding the establishment of load limits.

SECTION 4. Renumbers proposed SECTION 3 as SECTION 4. Increases from 30 to 180 days the length of time that a record is to be retained.

SECTION 5. Renumbers proposed SECTION 4 as SECTION 5.

SECTION 6. Renumbers proposed SECTION 5 as SECTION 6.

SECTION 7. Deletes SECTION 7 from As Filed version. Deletes “culvert” from list of restriction regarding a permit in the new SECTION 7.

SECTION 8. Deletes SECTION 8 from As Filed version except for Section 644.256 (Department Database). Adds a new SECTION 8 to increase requirements for the department database.

SECTION 9. Adds a new SECTION regarding certification of sheriffs and deputy sheriffs.

SECTION 10. Adds a new SECTION regarding municipal and county enforcement.

SECTION 11. Adds a new SECTION regarding the certification of municipal police officers, sheriffs, and deputy sheriffs.

SECTION 12. Renumbers proposed SECTION 9 as SECTION 12.