

BILL ANALYSIS

Senate Research Center
77R11360 JAT-D

C.S.S.B. 886
By: Ogden
State Affairs
4/11/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, laws regarding certain size and weight restrictions in the Transportation Code are outdated, with some provisions dating back to the 1930s. C.S.S.B. 886 updates various provisions in the Transportation Code to reflect current practices.

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 Section 621.001, Transportation Code, by adding Subdivisions (10) and (11), to define “single axle weight” and “tandem axle weight,” respectively.

SECTION 2. Amends Section 621.101, Transportation Code, as follows:

Sec. 621.101. New heading: MAXIMUM WEIGHT OF VEHICLE OR COMBINATION.

(a) Deletes text concerning public highways outside the territory of a municipality and state-maintained public highways inside the territory of a municipality. Prohibits 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 under certain conditions.

(b) Authorizes two consecutive sets of tandem axles, notwithstanding Subsection (a)(3), to carry a gross weight (rather than load) of not more than 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. Prohibits the overall gross weight on a group of two or more consecutive axles from being heavier than 80,000 pounds, including all enforcement tolerances, regardless of tire ratings, axle spacing (bridge) and number of axles.

(c) Sets forth restrictions on the coverage of this section.

(d) Deletes existing Subsection (d) concerning the load carried on an axle.

SECTION 3. Amends Sections 621.102(a) and (e), Transportation Code, as follows:

(a) Authorizes the Texas Transportation Commission (commission) to set the maximum single axle weight, tandem axle weight, or gross weight of a vehicle or a combination of vehicles and loads that may be moved over a state highway or a farm or ranch road under certain conditions. Makes conforming changes.

(e) Authorizes a vehicle operating under a permit issued under Sections 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 to operate under the conditions authorized by the permit over a road for which the commission has

set a maximum weight under this section. Deletes text concerning exceptions to this section.

SECTION 4. Amends Sections 621.204(a) and (b), Transportation Code, to prohibit a semitrailer that is operated in a truck-tractor and semitrailer combination from being longer than 59 feet, excluding the length of the towing device. Makes a conforming change.

SECTION 5. Amends Section 621.206, Transportation Code, to make nonsubstantive changes.

SECTION 6. Amends Section 621.301(e), Transportation Code, to authorize a vehicle operating under a permit issued under Sections 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 to operate under the conditions authorized by the permit over a road for which the commission has set a maximum weight under this section. Deletes text concerning exceptions to this section.

SECTION 7. Amends Section 621.402(a), Transportation Code, to make a conforming change.

SECTION 8. Amends Section 621.404, Transportation Code, to make conforming changes.

SECTION 9. Amends Section 621.405(b), Transportation Code, to delete text concerning the destination of a motor vehicle.

SECTION 10. Amends Section 621.409(a), Transportation Code, to make a conforming change.

SECTION 11. Amends Section 621.502(a), Transportation Code, to prohibit a person from operating or moving a vehicle on a highway under certain conditions. Makes conforming changes.

SECTION 12. Amends Section 621.503(b), Transportation Code, to provide that intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross (rather than vehicular) weight limit by 15 percent or more. Deletes text concerning the axle load limit.

SECTION 13. Amends Sections 621.506(a), (b), (c), and (g), to provide that a person commits an offense if certain stated violations are made. Makes conforming changes.

SECTION 14. Amends Section 621.507(a), Transportation Code, to provide that a person commits an offense if the person violates a provision of this subtitle (rather than subchapter) for which an offense is not specified by another section of this subtitle.

SECTION 15. Amends Section 621.508, Transportation Code, as follows:

Sec. 621.508. New heading: **AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE OVER MAXIMUM ALLOWABLE AXLE WEIGHT.** Makes conforming changes.

Provides that it is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle met certain requirements.

SECTION 16. Amends Section 622.012, Transportation Code, as follows:

Sec. 622.012. New heading: **AXLE WEIGHT RESTRICTIONS.** Makes conforming changes.

SECTION 17. Amends Section 622.013(a), Transportation Code, to make a conforming change.

SECTION 18. Amends Section 622.014(b), Transportation Code, to make conforming changes.

SECTION 19. Amends Section 622.015, Transportation Code, to make a conforming change.

SECTION 20. Amends Section 622.031, Transportation Code, as follows:

Sec. 622.031. New heading: LENGTH AND AXLE WEIGHT RESTRICTIONS. Makes a conforming change.

SECTION 21. Amends Section 622.041(b), Transportation Code, to provide that Subsection (a)(1) does not apply to a truck-tractor or truck-tractor combination transporting poles, piling, or unrefined timber.

SECTION 22. Amends Section 622.0435(a), Transportation Code, to provide an exception to width, height, and gross weight requirements of a vehicle or combination of vehicles subject to this subchapter. Deletes text concerning the shortening of the distance between axles on a vehicle.

SECTION 23. Amends Chapter 622D, Transportation Code, by adding Section 622.045, as follows:

Sec. 622.045. INTERSTATE AND DEFENSE HIGHWAYS. (a) Provides that this subchapter does not authorize the operation of certain vehicles on the national system of interstate and defense highways in this state.

(b) Provides that if the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on August 29, 1997, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

SECTION 24. Amends Section 622.051(b), Transportation Code, to make a conforming change.

SECTION 25. Amends Section 622.061(b), Transportation Code, to make a conforming change.

SECTION 26. Amends Section 622.133, Transportation Code, as follows:

Sec. 622.133. New heading: AXLE WEIGHT RESTRICTIONS. Makes conforming changes. Prohibits a single motor vehicle used exclusively to transport recyclable materials from being operated on a public highway if the gross weight is heavier than 64,000 pounds.

SECTION 27. Amends Section 622.134(a), Transportation Code, to make a conforming change.

SECTION 28. Amends Section 622.953, Transportation Code, to provide that the weight limitations of Section 621.101 do not apply to a single motor vehicle used exclusively to transport seed cotton modules. Deletes text concerning combinations of vehicles. Makes conforming changes.

SECTION 29. Amends Section 623.162, Transportation Code, as follows:

Sec. 623.162. New heading: AXLE WEIGHT RESTRICTIONS. Makes conforming changes.

SECTION 30. Repealers: Sections 621.505 (Maximum Size and Weight of Containers), 622.017 (Penalties), 622.033 (Penalties), 622.081 (Weight of Lumber), 622.136 (Penalties), 622.951 (Oil Field Service Equipment), and 623.165 (Penalties), Transportation Code.

SECTION 31. Effective date: September 1, 2001. Provides that, except as provided by Subsection (c) of this section, the changes in law made by Section 30 of this Act and Sections 621.506 and

621.507, Transportation Code, as amended by this Act, apply only to an offense committed on or after September 1, 2001. Makes application of this Act prospective regarding an offense under Section 621.506 or 621.507, Transportation Code, or a law repealed by Section 30 of this Act. Provides that the sanctions provided by Sections 621.506(b)(2) and (3), Transportation Code, as amended by this act, for an offense under Section 621.506(a) that involves a vehicle carrying a nondivisible load and having a single axle weight or a tandem axle weight that is heavier than the vehicle's allowable weight, take effect September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed S.B. 886 as follows:

SECTION 1. No changes in text.

SECTION 2. Amends text to prohibit 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 under certain additional conditions. Omits the original deletion of the term "carry" regarding two consecutive sets of tandem axles. Prohibits the overall gross weight on a group of two or more consecutive axles from being heavier than 80,000 pounds, including all enforcement tolerances, regardless of tire ratings, axle spacing (bridge) and number of axles.

SECTIONS 3 - 12. No changes in text.

SECTION 13. Provides that a person commits an offense if the person commits certain additional violations.

SECTION 14. No changes in text.

SECTION 15. Provides that it is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle met certain additional requirements.

SECTIONS 16 - 25. No changes in text.

SECTION 26. Omits original substitution of the text "64,000 pounds" with "65,000 pounds."

SECTION 27. No changes in text.

SECTION 28. Makes reference to 23 U.S.C. Section 127, as amended.

SECTION 29. Omits original substitution of the text "64,000 pounds" with "65,000 pounds."

SECTION 30. No changes in text.

SECTION 31. Redesignates text from original SECTION 32 regarding effective date as SECTION 31. Omits reference to SECTION 13. Provides that, except as provided by Subsection (c) of this section, the changes in law made by Section 30 of this Act and Sections 621.506 and 621.507, Transportation Code, as amended by this Act, apply only to an offense committed on or after September 1, 2001. Makes application of this Act prospective regarding an offense under Section 621.506 or 621.507, Transportation Code, or a law repealed by Section 30 of this Act. Provides that the sanctions provided by Sections 621.506(b)(2) and (3), Transportation Code, as amended by this act, for an offense under Section 621.506(a) that involves a vehicle carrying a nondivisible load and having a single axle weight or a tandem axle weight that is heavier than the vehicle's allowable weight, take effect September 1, 2003.

SECTION 32. Omitted.