

## **BILL ANALYSIS**

Senate Research Center  
77R3490 JAT-F

S.B. 887  
By: Ogden  
State Affairs  
3/23/2001  
As Filed

### **DIGEST AND PURPOSE**

Current law has one set of penalties for concrete, solid waste, and recycling trucks and another for gross weight violations. This creates confusion in the industry, law enforcement community, and the court system. As proposed, S.B. 887 creates one set of penalties for gross weight or axle violations. It sets penalties for overweight violations greater than 5,000 pounds and less than 10,000 pounds at \$300 to \$500. Penalties for overweight violations greater than 10,000 pounds are \$500 to \$1000. Fines double if there are two or more violations within a one year period. For violations greater than 5,000 pounds, the entity collecting the fine is required to send 50 percent of that fine to the comptroller. The remaining fine is retained by the municipality or county where the violation occurred.

### **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 Sections 621.506(a), (b), and (g), Transportation Code, to provide that a person commits an offense if the person operates a vehicle or combination of vehicles in violation of Section 621.101, 622.012, 622.031, 622.133, or 623.162. Provides that an offense under this section is a misdemeanor punishable on conviction of an offense involving a vehicle having an axle or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, rather than gross weight, by a fine of not less than \$300 or more than \$500. Makes conforming changes.

SECTION 2. Amends Section 621.507(a), Transportation Code, to provide 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, rather than subchapter.

SECTION 3. Repealers: Sections 622.017 (Penalties), 622.033 (Penalties), 622.136 (Penalties), and 623.165 (Penalties), Transportation Code.

SECTION 4. Effective date: September 1, 2001.  
Makes application of this Act prospective.

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