

By: Perry

S.B. No. 1383

A BILL TO BE ENTITLED  
AN ACT

relating to the operation of vehicles transporting fluid ~~OMILK~~ ;  
authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 621.508, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), it [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:

(1) had a single axle weight or tandem axle weight that was not heavier than the axle weight authorized by law plus 12 percent;

(2) was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are:

(A) in their natural state; and

(B) being transported from the place of production to the place of first marketing or first processing; and  
(3) was not being operated on a portion of the national system of interstate and defense highways.

(a-1) The affirmative defense provided by Subsection (a) does not apply to the excess weights authorized under Section 623.401(b).

SECTION 2. Chapter 623, Transportation Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. VEHICLES TRANSPORTING FLUID ~~OMILK~~

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID ~~OMILK~~.

(a) The department may issue a permit authorizing the movement of fluid ~~OMILK~~ by a ~~OTruck~~ -tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and ~~OTruck~~ blind spot systems:

(1) at a gross weight that is not heavier than 90,000 pounds; and

(2) with axle weights that comply with the requirements of Section 621.101(a), except as authorized by Subsection (b).

(b) A vehicle combination operating under a permit issued under Subsection (a) may exceed the axle weights listed in Section 621.101(a) for the following axle groups if the overall distance between the first axle of the ~~OTruck~~ -tractor and the first axle of the first consecutive set of tandem axles is 15 feet or more, the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and:

(1) a two-axle group does not exceed 36,500 pounds; and

(2) a three-axle group does not exceed 42,500 pounds.

(c) To qualify for a permit under this subchapter, a permit fee of \$1,200 must be paid.

(d) A permit issued under this subchapter:

(1) is valid for one year; and

(2) must be carried in the ~~OTruck~~ -tractor for which it is issued.

Sec. 623.402. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the ~~truck~~ -tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the ~~truck~~ -tractor when:

(A) the permit for operation of the vehicle combination expires;

(B) a lease of the ~~truck~~ -tractor expires; or

(C) the ~~truck~~ -tractor is sold.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE.

(a) An applicant for a permit under this subchapter must designate in the permit application the counties in which the applicant intends to operate. A permit issued under this subchapter is not valid in a county that is not designated in the permit application.

(b) Of the fee collected under this subchapter for a permit:

(1) 75 percent of the amount collected shall be deposited to the credit of the state highway fund;

(2) 15 percent of the amount collected shall be divided equally among and distributed to the counties designated in the permit application; and

(3) 10 percent of the amount collected shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(c) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (b) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the ~~truck~~ -tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(b) A permit issued under this subchapter authorizes the operation of a ~~truck~~ -tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(c) A permit issued under this subchapter does not authorize the operation of a ~~truck~~ -tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301, unless the county road or bridge provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under this subchapter.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a vehicle combination described by Section 623.401(a) or (b) in addition to a permit, fee, or license required by state law.

Sec. 623.406. EXCLUSIVE PERMIT. A permit issued under this subchapter is the only permit issued by the department under this chapter that may be used to transport fluid ~~milk~~ .

Sec. 623.407. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

(b) The Department of Public Safety shall adopt rules requiring additional safety and driver training for permits issued under this subchapter.

SECTION 3. Section 623.003(b), Transportation Code, is amended to read as follows:

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section 623.071, 623.121, 623.142, ~~[or]~~ 623.192, or 623.401.

SECTION 4. This Act takes effect January 1, 2018.