

BILL ANALYSIS

S.B. 1814
By: Seliger
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Vehicles exceeding certain size and weight limitations must obtain an oversize and overweight permit from the Texas Department of Motor Vehicles (TxDMV). These vehicles are also required to file a surety bond with TxDMV that is payable to the Texas Department of Transportation in the instance that the vehicle damages a state highway on which it is traveling. It has been suggested that these bonds provide little value, as they create extra processes and costs for motor carriers and TxDMV. Given that liability is not limited to the claim on the surety bond and losses may be recovered through other means, there have been calls to eliminate the requirement for these bonds for oversize and overweight vehicles. Furthermore, it has been noted that the current TxDMV practice of listing certain issued permits on its website is not reflected in statute. S.B. 1814 seeks to address these issues by revising provisions relating to oversize and overweight vehicles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1814 amends the Transportation Code to remove the requirement for an applicant for an over axle/over gross weight tolerance permit or a timber permit to file with the Texas Department of Motor Vehicles (TxDMV) a blanket bond or irrevocable letter of credit that is payable to the Texas Department of Transportation (TxDOT) and conditioned on the applicant paying TxDOT for damage to a state highway caused by the operation of the vehicle for which the permit is issued. The bill repeals the requirement for the TxDMV board to require a motor carrier issued a permit to transport multiple loads of the same commodity over a state highway between the same general locations to file a bond in an amount set by the board that is payable to TxDOT and conditioned on the motor carrier paying to TxDOT any damage that is sustained to a state highway because of the operation of a vehicle under the permit.

S.B. 1814 replaces the requirement for TxDMV, not later than the 14th day after the date it issues an over axle/over gross weight tolerance permit, to notify the county clerk of each county listed in the application for the permit with a requirement for TxDMV to make available on its website a searchable and downloadable list by county of each such permit issued. The bill requires the list to include the following information:

- the name and address of the person for whom the permit was issued;
- the vehicle identification number and license plate number of the vehicle;

- the permit number; and
- the effective date of the permit.

The bill specifies that TxDMV is required to send a county a copy of the permit and the bond or letter of credit required for the permit only if the county requests that TxDMV do so.

S.B. 1814 restricts issuance of a permit to move certain superheavy or oversize equipment to an applicant registered as a motor carrier unless the permit is for the following:

- the driving or transporting of farm equipment that is being used for an agricultural purpose and is driven or transported by or under the authority of the owner of the equipment; or
- a vehicle or equipment that is not subject to motor carrier registration and for which the applicable bond requirement has been fulfilled.

S.B. 1814 requires TxDMV to make available on its website a searchable and downloadable list by county of each permit issued for the transportation of manufactured and industrialized housing. The list must include the following information for each permit:

- the permit number and issue date of the permit;
- the name of the person for whom the permit was issued;
- the length, width, and height of the manufactured house and the towing vehicle in combination;
- the name of the owner of the house;
- the model and year of manufacture of the house;
- the complete identification or serial number, the U.S. Department of Housing and Urban Development label number, or the state seal number of the house; and
- the origin county and address and destination county and address of the house.

The bill repeals the requirement for TxDMV to send, each quarter, a copy of each permit for the transportation of a manufactured house that begins or ends in Texas, or provide the essential information in the permit, to the chief appraiser of the appraisal district in each county in which the transportation begins or ends.

S.B. 1814 revises the requirement for the notification document executed by the financially responsible party of a vehicle transporting timber to include an indication of compliance with specified financial responsibility provisions by including provisions relating to motor carrier liability insurance or self-insurance among the provisions for which such an indication is made if applicable.

S.B. 1814 reenacts Section 623.0711(g), Transportation Code, as amended by Chapters 1135 (H.B. 2741) and 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, to conform to changes made by Chapter 1287 relating to the assessment and deposit of the fee for a permit issued by TxDMV to a motor carrier to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

S.B. 1814 amends the Occupations Code to remove the requirement for TxDMV to send to the Texas Department of Housing and Community Affairs monthly a copy of each permit issued in the preceding month for the movement of manufactured housing on the highways.

S.B. 1814 repeals the following Transportation Code provisions:

- Section 623.0711(f); and
- Section 623.093(e).

EFFECTIVE DATE

September 1, 2021.