

SUBJECT: Recordkeeping exemption for non-commercial cargo weighers

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Edwards, Garza, Harper-Brown, Hill, Mercer
0 nays
1 present not voting — Laney
1 absent — Hamric

WITNESSES: For — Les Findeisen, Texas Motor Transportation Association
Against — None

BACKGROUND: Texas limits the weight of cargo that certain classes of vehicles and trucks may carry under ch. 621 of the Transportation Code. The weight is measured on either a commercial scale or one that is owned and operated by the state or a political subdivision of the state. Most of the non-commercial scales are operated by weight enforcement officers, but some cities also operate their own scales. The state requires that all people who weigh cargo keep a written record of each vehicle weighed.

DIGEST: HB 1733 would exempt weight enforcement officers and scales owned by the state or a political subdivision of the state from the weight record requirement. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

HB 1733 would revise statutory requirements for law enforcement and other entities of the state that weigh cargo to reflect current practice. In practice, the non-commercial scales do not keep written records on the vehicles they weigh that are within the weight limits. If a vehicle is over, the driver receives a citation, which generates a written record of those measurements. The non-commercial scales have no need for a written record of all vehicles because they are not inspected by another entity and including this change would eliminate needless paperwork.

The bill would not change the requirement for commercial scales to maintain a written record for each vehicle, regardless of whether they were over or under the weight limit. These records still would be kept for 180 days and would have to be presented upon demand by a weight enforcement officer.

**OPPONENTS
SAY:**

The state does not need to change the statute because non-commercial scales already do not keep the required record. If this were a problem, the Texas Department of Transportation, which is responsible for establishing the form of the written record, could make rules to clarify the situation.