

- SUBJECT:** Creating an offense for truck drivers to evade a weigh station
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 5 ayes — Krusee, Callegari, Casteel, Deshotel, Hamric  
0 nays  
4 absent — Phillips, Flores, Hill, West
- WITNESSES:** For — Robert Autery, Danny Pierce, Walker County; Tim Paulsel, Walker County Commissioners Court  
  
Against — Les Findeisen, Texas Motor Transportation Association; Paul Hale, Texas Logging Council; Ron Hufford, Texas Forestry Association  
  
On — Mark Rogers, Texas Department of Public Safety; Amadeo Saenz, Texas Department of Transportation
- 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. If a law enforcement officer has reason to believe that a loaded vehicle may be overweight, the officer may require the vehicle be driven to the nearest available scales.  
  
Under Transportation Code, sec. 621.507, unless otherwise specified, an offense for violating vehicle size and weight provisions is a misdemeanor punishable by a maximum \$200 fine, with higher fines and possible jail time for repeat offense within a year.
- DIGEST:** CSHB 1822 would make not stopping at a weigh station or knowingly evading a weigh station by taking an alternate route or by other means an offense. It would be an affirmative defense if a driver were following a law enforcement officer's directions.  
  
The bill would take effect September 1, 2005.

SUPPORTERS  
SAY:

Trucks can evade weigh stations by taking a parallel route, such as Highway 75 in lieu of Highway 45 in Walker County. The state should prevent truck drivers from thwarting the law by making it an offense to drive around weigh stations.

The bill would not go after drivers who wanted to stop for something to eat or to rest for the night. For to be an offense, the driver would have had to knowingly evaded the weigh station.

Other states have laws similar to the one proposed in CSHB 1822. It is an offense in Washington and Colorado for drivers to fail to have their vehicles weighed, and in Idaho it is an offense to bypass a weigh station.

OPPONENTS  
SAY:

Current law already ensures that trucks are weighed. Drivers already are required to have their trucks weighed if directed to do so by a law enforcement officer. If the officer were planning to cite the driver under this bill, it would make more sense for the officer to ask the driver to get the truck weighed, as permitted under current law.

The term "knowingly evading" is extremely vague and could encompass a wide range of activities that drivers are permitted to do, such as taking a different route to visit a particular restaurant or obtain needed repairs. "Knowingly" implies that the driver had knowledge of the weigh station on the original route, which would still be the case if the driver decided that a restaurant or repair shop, or even traffic patterns, made the alternate route more attractive.

This bill would apply to the whole state, not just Walker County, and could cause trucks driving common alternate routes, such as U.S. 90 in lieu of Interstate 10 around Houston and the planned diversion from Interstate 35 to State Highway 130 around Austin. Drivers lawfully and appropriately taking those alternate routes could be cited for evading a weigh station if they knew there was one on the other route.

NOTES:

The committee substitute made technical changes.