

SUBJECT: Applying overweight truck fine to loading personnel

COMMITTEE: Transportation — favorable, without amendment

VOTE: 5 ayes — Krusee, Callegari, Casteel, Deshotel, Hamric

0 nays

4 absent — Phillips, Flores, Hill, West

WITNESSES: For — David R. Lee, Texas Truck Driver's Association

Against — None

BACKGROUND: Under Transportation Code, sec. 621.506(b), the operator, or driver of a truck that exceeds the vehicle's allowable weight by more than 5,000 but less than 10,000 pounds is punishable by a fine of between \$300 and \$500. A driver operating a truck 10,000 pounds or more over the legal limit may be fined between \$500 and \$1,000. The statute provides no criminal or monetary penalty for the person or company that loads the truck.

DIGEST: HB 1988 would amend the Transportation Code to apply the offense of operating a vehicle that weighed more than the vehicle's allowed weight to those who load the vehicle.

The bill would take effect September 1, 2005.

SUPPORTERS SAY: It is dangerous for trucks to carry loads heavier than legally allowed. Above the legal limit, trucks often have problems steering, stopping, and accelerating, which is hazardous to both the truckers and other motorists on the road. Current law fines the driver if the driver is caught driving an overweight truck. This practice is not fair because the truck drivers often have no knowledge of or control over the size of their load. HB 1988 would fine the person who loaded the vehicle along with the driver.

HB 1988 would offer an incentive for all shipping yards to have scales and measure the amount of material that they load in trucks. Shipping yards are not required to have scales, just as motor vehicles are not required to

have speedometers, although there is a penalty for not abiding by the speed limit. Providing a penalty for not following the law in shipyards would motivate shipping companies to do so.

OPPONENTS
SAY:

This bill is unnecessary. Transportation Code, sec. 621.503 already prohibits a person from loading a vehicle that exceeds the weight limitations. The bill would not change what already is in current law.

CSHB 1988 would place an unreasonable burden on the person loading the truck. The loader is frequently working under the direction and supervision of someone else. The bill does not expressly define who would be responsible for paying the fine.

OTHER
OPPONENTS
SAY:

If the operators of the vehicles have no control or influence over the loading process or amount of material that goes into their truck, then they should not be fined at all.