

- SUBJECT:** Requiring uniform procedures for weighing loaded motor vehicles
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Pickett, Martinez, Y. Davis, Harless, Israel, Murr, Paddie, Phillips, Simmons
- 0 nays
- 3 absent — Burkett, Fletcher, McClendon
- WITNESSES:** For — Barry Detlefsen, Coastal Transport Co., Inc.; Kevin Riley, Fowler Transportation, Ltd.; Les Findeisen, Texas Trucking Association; (*Registered, but did not testify:* Donald Baker, Austin Police Department; Robert Turner, Earthmoving Contractors Association of Texas (ECAT); Robert Turner, Texas Poultry Federation; Shayne Woodard, Texas Association of Dairymen; Ronald Hufford, Texas Forestry Association; Joe Morris, Texas Poultry Federation; Shane Haggerty; Liza Montelongo)
- Against — None
- On — (*Registered, but did not testify:* Steven Rundell, Texas Department of Public Safety)
- BACKGROUND:** Under Transportation Code, sec. 621.401, a “weight enforcement officer” is a license and weight inspector of the Texas Department of Public Safety (DPS), a highway patrol officer, a sheriff or sheriff’s deputy, a municipal police officer in a municipality with a certain population, certain certified police officers, and a constable or deputy constable designated by a county commissioners court as a weight enforcement officer.
- Weight enforcement officers may weigh a loaded motor vehicle if they have reason to believe it is unlawfully overweight. They may weigh the vehicles with portable or stationary scales approved by DPS or may require the vehicle to be weighed by a public weigher.

DIGEST: HB 1252 would require DPS in rule to establish uniform weighing procedures for weight enforcement officers. DPS could revoke the authority of a weight enforcement officer who failed to comply with those weighing procedures.

The bill also would create an affirmative defense to prosecution for operating a vehicle with a single axle weight, tandem axle weight, or gross weight heavier than what is authorized by law if, at the time the weight was determined, the weight enforcement officer failed to follow the weighing procedures established by DPS.

DPS would adopt necessary rules to implement the weighing procedures by January 1, 2016.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: HB 1252 would increase consistency and accuracy in weighing loaded vehicles and promote safety on Texas highways. Training of weight enforcement officers outside of DPS currently is not uniformly regulated and can result in inaccurate weight measurements and citations. The bill would direct DPS to establish rules for uniform weighing procedures, which could include training requirements for weight enforcement officers.

Texas roads would be safer by ensuring that loaded vehicles were weighed more accurately. Accurately weighing a vehicle on portable scales, which many weight enforcement officers use, is difficult without proper instruction. For example, weighing a vehicle on an incline or on uneven ground or weighing each axle separately can result in inaccuracies. HB 1252 would require DPS to provide standards for weighing loaded vehicles so that dangerously overweight vehicles could be identified correctly and penalized accordingly.

The bill would help ensure that citations for overweight vehicles were issued appropriately and consistently. Various permits are available that

allow vehicles to weigh above the legal limit in certain cases, making it difficult for weight enforcement officers to determine whether a citation is appropriate. Having uniform weighing procedures and training requirements would ensure that citations were issued only to violators of legal weight restrictions.

Concerns that the authority granted in HB 1252 would result in unfair or fluctuating rules are unwarranted. DPS already has developed administrative rules for various matters at the direction of the Legislature, and the rules have been reasonable and consistent.

OPPONENTS
SAY:

HB 1252 would lack parameters on requirements that DPS could establish and how often the rules could change, which could create a climate of uncertainty for weight enforcement officers.

The bill could allow DPS to implement a wide array of procedures and training requirements, some of which could be expensive or inconvenient for local law enforcement agencies. DPS also could alter the rules for weighing procedures at any time.

Uniform weighing procedures would be helpful, but they should be established through legislation, rather than in rule. Establishing guidance through legislation would ensure that uniform weighing procedures were fair and consistent.