

BILL ANALYSIS

Senate Research Center
84R8173 JAM-F

H.B. 1252
By: Pickett (Nichols)
Transportation
5/7/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, weight enforcement officers are allowed to weigh vehicles with portable or stationary scales to determine if a loaded motor vehicle is in violation of state law. Interested parties contend that while stationary scales are normally designed in such a manner that accurate weights are routinely obtained, weights obtained with portable scales can vary for a number of reasons. Due to a recent increase in penalties for improper weights, many local governments are attempting to weigh vehicles despite the lack of training regarding the proper procedures for using portable scales. This can result in the citation of trucking companies for overweight vehicles when, in fact, the vehicles are of legal weight. H.B. 1252 seeks to address this issue by revising provisions relating to uniform weighing procedures for commercial vehicles.

H.B. 1252 requires the Department of Public Safety of the State of Texas (DPS) to establish by rule uniform weighing procedures to ensure an accurate weight is obtained for a motor vehicle by a weight enforcement officer who has reason to believe that the single axle weight, tandem axle weight, or gross weight of a loaded motor vehicle is unlawful. The bill authorizes DPS to revoke or rescind the authority of a weight enforcement officer who fails to comply with those rules or a weight enforcement officer of a municipal police department, sheriff's department, or constable's office that fails to comply with those rules.

H.B. 1252 amends current law relating to uniform weighing procedures requirements for motor vehicle weight enforcement officers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Section 621.402, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.402, Transportation Code, by adding Subsection (e), as follows:

(e) Provides that the Department of Public Safety of the State of Texas (DPS):

(1) is required to establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle; and

(2) may revoke or rescind the authority of:

(A) a weight enforcement officer who fails to comply with those rules; or

(B) weight enforcement officers of a municipal police department, sheriff's department, or constable's office that fails to comply with those rules.

SECTION 2. Amends Section 621.508, Transportation Code, as follows:

Sec. 621.508. New heading: AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE OVER MAXIMUM ALLOWABLE WEIGHT. (a) Creates this subsection from existing text. Makes no further change to this subsection.

(b) Provides that it is an affirmative defense to prosecution of, or an action under Subchapter F (Enforcement) for, the offense of operating a vehicle with a single axle weight, tandem axle weight, or gross weight heavier than the weight authorized by law that at the time of the offense the weight enforcement officer failed to follow the weighing procedures established under Section 621.402(e) when determining the weight of the vehicle.

SECTION 3. (a) Requires DPS, not later than January 1, 2016, to adopt rules necessary to implement Section 621.402(e), Transportation Code, as added by this Act.

(b) Provides that Section 621.508(b), Transportation Code, as added by this Act, applies only to an offense committed on or after the effective date of a rule adopted by DPS under this section. Provides that for purposes of this section, an offense was committed before the effective date of a rule adopted by DPS under this section if any element of the offense occurred before that date.

(c) Makes application of a rule adopted by DPS under this section prospective.

SECTION 4. Effective date: September 1, 2015.