

BILL ANALYSIS

Senate Research Center
84R17457 MTB-D

C.S.S.B. 1171
By: Nichols
Transportation
4/2/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2741, 83rd Legislature, Regular Session, 2013, was passed on behalf of the Texas Department of Motor Vehicles (TxDMV) to provide general clean-up language for TxDMV. The bill replaced references and definitions in certain sections of the Transportation Code and the Occupations Code.

In H.B. 2741, language was added to allow TxDMV to issue a "timber" permit as an alternative to a permit issued under Section 623.011, known as a 2060 permit, authorizing a person to operate a vehicle or combination of vehicles to transport unrefined timber, wood chips, or woody biomass in a county identified as a timber-producing county according to the Texas A&M Forest Service's Harvest Trends Report.

The permit allows a person to operate over a road or highway a vehicle or combination of vehicles issued a permit under this section at a gross weight that is not heavier than 84,000 pounds, if the gross load carried on any tandem axle of the vehicle or combination of vehicles does not exceed 44,000 pounds. The cost of the permit is \$1,500.

Due to the high cost of the permit, this bill lowers the cost of the timber permit from the existing \$1,500 to \$900 in order to increase the amount of existing permit sales. This bill also corrects an error that was left out of H.B. 2741; the correction allows trucks with the timber permit to operate over weight-restricted county roads and bridges. Finally, the bill allows vehicles that are harvesting or are in the production of timber to be exempt from the truck width restrictions. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1171 amends current law relating to the operation of certain oversize or overweight vehicles transporting timber, timber products, or forestry equipment on certain public roadways.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 621.102(d), Transportation Code, to authorize a vehicle operating under a permit issued under Section 623.011 (Permit for Excess Axle or Gross Weight), 623.071 (Permit to Move Certain Heavy Equipment), 623.094 (Permit Issuance), 623.121 (Permit to Move Portable Building Unit), 623.142 (Permit to Move Oil Well Servicing or Drilling Machinery), 623.181 (Annual Permit), 623.192 (Permit to Move Unladen Lift Equipment Motor Vehicles), 623.212 (Permits by Port Authority), or 623.321 (Definition), as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013, to operate under the conditions authorized by the permit over a road for which the executive director of the Texas Department of Transportation has set a maximum weight under this section.

SECTION 2. Amends Section 621.301(e), Transportation Code, to make a conforming change.

SECTION 3. Amends Section 622.901, Transportation Code, as follows:

Sec. 622.901. WIDTH EXCEPTIONS. Provides that the width limitation provided by Section 621.201 (Maximum Width) does not apply to:

(1) Makes no change to this subdivision;

(2) a vehicle traveling during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is:

(A) a farm tractor or implement of husbandry; or

(B) a vehicle on which a farm tractor, implement of husbandry, or equipment used in the harvesting and production of timber, other than a tractor, implement, or equipment being transported from one dealer to another, is being moved by the owner of the tractor, implement, or equipment or by an agent or employee of the owner:

(i) to deliver the tractor, implement, or equipment to a new owner;

(ii) to transport the tractor, implement, or equipment to or from a mechanic for maintenance or repair; or

(iii) in the course of an agricultural forestry operation;

Makes nonsubstantive changes.

(3)-(6) Makes no change to these subdivisions.

SECTION 4. Amends Section 623.322(a), Transportation Code, as added by Chapter 1135 (H.B. 2741), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

(a) Requires a person, to qualify for a permit under this subchapter for a vehicle or combination of vehicles, to:

(1) pay a permit fee of \$900, rather than \$1,500;

(2) designate in the permit application the timber producing counties described by Section 623.321(a) (relating to a permit for operate a vehicle used for wood transport) in which the vehicle or combination of vehicles will be operated; and

(3) satisfy the security requirement of Section 623.012 (Security for Permit).

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2015.