REVISOR'S REPORT

TRANSPORTATION CODE
TITLES 1, 2, 3, 4, 6, AND 7

VOLUME VII

A NONSUBSTANTIVE REVISION
OF THE STATUTES RELATING TO
TRANSPORTATION

Including
Carriers
Aviation
Navigation
Roadways
Vehicles and Traffic

To be submitted to the 74th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas
March 1995
Subdivision 4 of Section 6 of this Act applies also to gifts or promises of gifts made to a port-of-entry supervisor or inspector employed by the Alcoholic Beverage Commission.

CHAPTER 622. SPECIAL PROVISIONS AND EXCEPTIONS FOR OVERSIZE OR OVERWEIGHT VEHICLES

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CHAPTER 622. SPECIAL PROVISIONS AND EXCEPTIONS FOR
OVERSIZE OR OVERWEIGHT VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law
Sec. 622.001. DEFINITION. In this chapter, "department"
means the Texas Department of Transportation. (New.)

Revisor's Note
The definition of "department" is added to the
revised law for drafting convenience and to eliminate
frequent, unnecessary repetition of the substance of
the definition.
[Sections 622.002-622.010 reserved for expansion]

SUBCHAPTER B. VEHICLES TRANSPORTING
READY-MIXED CONCRETE

Revised Law
Sec. 622.011. DEFINITION; DESIGNATION AS PERISHABLE. (a)
In this subchapter, "ready-mixed concrete truck" means a vehicle
designed exclusively to transport or manufacture ready-mixed
concrete and includes a vehicle designed exclusively to transport
and manufacture ready-mixed concrete.

(b) Ready-mixed concrete is a perishable product. (V.A.C.S.
Art. 6701d-12, Secs. 1 (part), 5.)

Source Law
Sec. 1. ... [ready-mixed concrete], which is
hereby defined as a perishable product . . . .

Sec. 5. In this Act, "vehicles used exclusively
to transport ready-mixed concrete" includes a vehicle
designed exclusively to transport, manufacture, or
transport and manufacture the product.
Revised Law

Sec. 622.012. AXLE-LOAD RESTRICTIONS. A ready-mixed concrete truck may be operated on a public highway of this state only if the tandem axle load is not heavier than 50,600 pounds, the single axle load is not heavier than 25,300 pounds, and the gross load is not heavier than 69,000 pounds. (V.A.C.S. Art. 6701d-12, Sec. 1 (part).)

Source Law

Art. 6701d-12
Sec. 1. Vehicles used exclusively to transport ready-mixed concrete...may be operated upon the public highways of this state with a tandem axle load not to exceed 46,000 pounds, a single axle load not to exceed 23,000 pounds, or at a weight that does not exceed the allowable axle weight by a tolerance allowance of 10 percent and if the combined gross load weight does not exceed 69,000 pounds...

Revisor's Note

Section 1, V.A.C.S. Article 6701d-12, refers to the "combined gross load weight." The references to "combined" and "weight" are omitted from the revised law because the terms are included within the meaning of "gross load." The revision is consistent with Section 2, V.A.C.S. Article 6701d-12, which refers to the "gross load."

Revised Law

Sec. 622.013. SURETY BOND. (a) The owner of a ready-mixed concrete truck with a tandem axle load heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the department in the principal amount set by the department not to exceed $15,000 for each truck.

(b) The bond must be conditioned that the owner of the truck will pay to the state, within the limit of the bond, any damage to a highway caused by the operation of the truck. (V.A.C.S. Art. 6701d-12, Sec. 1 (part).)
Sec. 1. ... provided that where the vehicle is to be operated with a tandem axle load in excess of 34,000 pounds, the owner of such vehicle shall first file with the State Department of Highways and Public Transportation a surety bond in the principal sum as fixed by the department, which sum shall not be set at a greater amount than $15,000 for each vehicle; said bond to be conditioned that the owner of such vehicle will pay to the State of Texas, within the limit of such bond, all damages done to the highways by reason of the operation of such vehicle with a tandem axle load in excess of 34,000 pounds; such bond shall be subject to the approval of the State Department of Highways and Public Transportation.

Revisor's Note
Section 1, V.A.C.S. Article 6701d-12, refers to the "State Department of Highways and Public Transportation." The revised law substitutes "department" for "State Department of Highways and Public Transportation" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law
Sec. 622.014. LOCAL REGULATION. (a) The governing body of a county or municipality that determines a public highway under its jurisdiction is insufficient to carry a load authorized by Section 622.012 may prescribe, by order or ordinance, rules governing the operation of a ready-mixed concrete truck over a public highway maintained by the county or municipality.

(b) The rules may include weight limitations on a truck with:

(1) a tandem axle load that is heavier than 36,000 pounds;

(2) a single axle load that is heavier than 12,000 pounds; or

(3) a gross load that is heavier than 48,000 pounds.

(V.A.C.S. Art. 6701d-12, Sec. 2.)
found insufficient to carry the maximum gross vehicle axle loads authorized in Section 1 of this Act, the governing body of such county, city, or town is hereby authorized to prescribe, by order or ordinance, reasonable rules and regulations governing the operation of vehicles to transport ready-mixed concrete over public highways maintained by such county, city, or town. Such rules and regulations may include, but need not be limited to, weight limitations on vehicles with a tandem axle load which exceeds 36,000 pounds, a single axle load which exceeds 12,000 pounds, and a gross load which exceeds 48,000 pounds.

Revisor's Note

(1) Section 2, V.A.C.S. Article 6701d-12, refers to a "city . . . or town." The revised law substitutes the term "municipality" for "city . . . or town" because that is the term used in the Local Government Code.

(2) Section 2, V.A.C.S. Article 6701d-12, refers to Section 1, V.A.C.S. Article 6701d-12. The pertinent part of that statute is codified in this code as Section 622.012, and the revised law is drafted accordingly.

(3) Section 2, V.A.C.S. Article 6701d-12, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

(4) Section 2, V.A.C.S. Article 6701d-12, refers to "include, but need not be limited to." "[B]ut need not be limited to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(5) Section 2, V.A.C.S. Article 6701d-12,
authorizes a county, city, or town to prescribe "reasonable" rules and regulations governing the operation of vehicles. The revised law omits as unnecessary "reasonable" because by implication a county or municipality may not prescribe unreasonable rules.

Revised Law
Sec. 622.015. LOCAL SURETY BOND. The governing body of a county or municipality may require the owner of a ready-mixed concrete truck to file a surety bond in an amount not to exceed $15,000 and conditioned that the owner of the truck will pay to the county or municipality any damage to a highway caused by the operation of the truck with a tandem axle load that is heavier than 34,000 pounds. (V.A.C.S. Art. 6701d-12, Sec. 3.)

Source Law
Sec. 3. The governing body of any county, city, or town may require the owner of any ready-mixed concrete vehicle to file a surety bond in a sum not to exceed $15,000, and conditioned that the owner of such vehicle will pay to such county, city, or town all damages done to the highways by reason of the operation of such vehicle with a tandem axle load in excess of 34,000 pounds.

Revisor's Note
Section 3, V.A.C.S. Article 6701d-12, refers to a "city . . . or town." The revised law substitutes the term "municipality" for "city . . . or town" because that is the term used in the Local Government Code.

Revised Law
Sec. 622.016. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127, as amended.

(b) If the United States authorizes the operation on the
national system of interstate and defense highways of a vehicle of a size or weight greater than that authorized on January 1, 1977, the new limit automatically takes effect on the national system of interstate and defense highways in this state. (V.A.C.S. Art. 6701d-12, Sec. 4.)

Source Law

Sec. 4. This Act does not authorize the operation on the national system of interstate and defense highways in this state of vehicles of a size or weight greater than authorized in Title 23, United States Code, Section 127, as amended. If the United States government authorizes the operation on the national system of interstate and defense highways of vehicles of a size or weight greater than those authorized on January 1, 1977, the new limits automatically shall be in effect on the national system of interstate and defense highways in this state.

Revised Law

Sec. 622.017. PENALTIES. (a) A person commits an offense if the person violates this subchapter.
(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:
(1) by a fine of not more than $200;
(2) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (1), by a fine of not more than $500, by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; or
(3) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (2) or this subdivision, by a fine of not more than $1,000, by confinement in the county jail for not more than six months, or by both the fine and the confinement.
(c) A corporation is not subject to confinement for an offense under this section, but two times the maximum fine provided for in the applicable subdivision of Subsection (b) may be imposed against the corporation. (V.A.C.S. Art. 6701d-12, Sec. 6.)
Sec. 6. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, or receiver who violates any provision of this Act shall, upon conviction, be punished by a fine of not more than Two Hundred Dollars ($200.00); for a second conviction within one (1) year thereafter such person, corporation, or receiver shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment; and upon a third and subsequent conviction within one (1) year after the second conviction such person, corporation, or receiver shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fines herein provided for may be imposed against them in lieu of imprisonment.

Revisor's Note
Section 6(b), V.A.C.S. Article 6701d-12, refers to a "person, corporation, or receiver." The revised law refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

[Sections 622.018-622.030 reserved for expansion]

SUBCHAPTER C. VEHICLES TRANSPORTING MILK

Sec. 622.031. LENGTH AND AXLE-LOAD RESTRICTIONS. A vehicle used exclusively to transport milk may be operated on a public highway of this state only if:

(1) the distance between the front wheel of the forward tandem axle and the rear wheel of the rear tandem axle, measured longitudinally, is 28 feet or more; and

(2) the load carried on any group of axles is not heavier than 68,000 pounds. (V.A.C.S. Art. 6701d-12a, Sec. 1.)

Source Law
Art. 6701d-12a
Sec. 1. A vehicle used exclusively to transport milk may be operated on the public highways of this state if the distance between the front wheel of the forward tandem axle and the rear wheel of the rear tandem axle, measured longitudinally, is at least 28 feet, and the maximum load carried on any group of axles does not exceed 68,000 pounds.

Revised Law

Sec. 622.032. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127, as amended.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127 on August 29, 1977, the new limit takes effect on the national system of interstate and defense highways in this state. (V.A.C.S. Art. 6701d-12a, Sec. 2.)

Source Law

Sec. 2. Nothing in this Act shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under Title 23, U.S.C., Section 127, as amended. If the federal government prescribes or adopts vehicle size or weight limits greater than those now prescribed by Title 23, U.S.C., Section 127, as amended, for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways in this state.

Revisor's Note

Section 2, V.A.C.S. Article 6701d-12a, refers to size or weight limits greater than those "now" prescribed by 23 U.S.C. Section 127. The source law went into effect August 29, 1977. Accordingly, the revised law refers to a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127 on August 29, 1977.
Revised Law

Sec. 622.033. PENALTIES. (a) A person commits an offense if the person violates this subchapter.

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:

(1) by a fine of not more than $200;

(2) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (1), by a fine of not more than $500, by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; or

(3) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (2) or this subdivision, by a fine of not more than $1,000, by confinement in the county jail for not more than six months, or by both the fine and the confinement.

(c) A corporation is not subject to confinement for an offense under this section, but two times the maximum fine provided for in the applicable subdivision of Subsection (b) may be imposed against the corporation. (V.A.C.S. Art. 6701d-12a, Sec. 3.)

Source Law

Sec. 3. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, or receiver who violates any provision of this Act shall, upon conviction, be punished by a fine of not more than $200; for a second conviction within one year thereafter such person, corporation, or receiver shall be punished by a fine of not more than $500, or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment; and upon a third and subsequent conviction within one year after the second conviction such person, corporation, or receiver shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fine herein provided for may be imposed against them in lieu of imprisonment.
Revisor's Note

Section 3(b), V.A.C.S. Article 6701d-12a, refers to a "person, corporation, or receiver." The revised law refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

[Sections 622.034-622.040 reserved for expansion]

SUBCHAPTER D. VEHICLES TRANSPORTING TIMBER OR TIMBER PRODUCTS

Revised Law

Sec. 622.041. LENGTH LIMITATION. (a) A person may operate over a highway or road of this state a vehicle or combination of vehicles that is used exclusively for transporting poles, piling, or unrefined timber from the point of origin of the timber (the forest where the timber is felled) to a wood processing mill if:

(1) the vehicle, or combination of vehicles, is not longer than 90 feet, including the load; and

(2) the distance from the point of origin to the destination or delivery point does not exceed 125 miles.

(b) The limitation in Subsection (a)(1) does not apply to a truck-tractor or truck-tractor combination transporting poles, piling, or unrefined timber. (V.A.C.S. Art. 6701d-13, Sec. 1.)

Source Law

Art. 6701d-13

Sec. 1. (a) Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations not to exceed ninety (90) feet in length including the load where such vehicles and combinations are used exclusively for transporting poles, piling or unrefined timber from the point of origin of such timber (the forest where such timber is felled) to a wood processing mill. No such vehicles and combinations as covered by the provisions of this Act shall be permitted to travel in excess of one hundred and twenty-five (125) miles from their point of origin to destination or delivery point.

(b) The length limitation in Subsection (a) of
this section does not apply to a truck-tractor or
truck-tractor combination transporting poles, piling,
or unrefined timber.

Revised Law
Sec. 622.042. TIME OF OPERATION. A vehicle subject to this
subchapter may be operated only between sunrise and sunset as
defined by law. (V.A.C.S. Art. 6701d-13, Sec. 2.)

Source Law
Sec. 2. Such vehicles may be operated only
between the hours of sunrise and sunset as defined by
law.

Revised Law
Sec. 622.043. CONFORMITY WITH GENERAL PROVISIONS RELATING TO
VEHICLE SIZE AND WEIGHT. The width, height, and gross weight of a
vehicle or combination of vehicles subject to this subchapter shall
conform to Chapter 621. (V.A.C.S. Art. 6701d-13, Sec. 3.)

Source Law
Sec. 3. The width, height and gross weight of
each such vehicle or combination thereof shall conform
to the requirements of Article 827a, Revised Penal Code
of Texas.

Revisor's Note
Section 3, V.A.C.S. Article 6701d-13, refers to
Article 827a, Revised Penal Code of Texas. That
statute was transferred to V.A.C.S. Article 6701d-11 by
Chapter 399, Acts of the 63rd Legislature, Regular
Session, 1973. That statute is codified in this code
as Chapter 621, and the revised law is drafted
accordingly.

Revised Law
Sec. 622.044. EXTENSION OF LOAD BEYOND REAR OF VEHICLE.
Section 621.206(a) does not apply to a vehicle to which this
subchapter applies to the extent that section prescribes a limit on
the extension of the load beyond the rear of the vehicle.
Source Law

Sec. 3a. Subsection (d), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended by Section 3, Chapter 282, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 827a, Vernon's Texas Penal Code), does not apply to a vehicle covered by this Act insofar as that subsection prescribes limits on the extension of the load beyond the rear of the vehicle.

Revisor's Note

Section 3a, V.A.C.S. Article 6701d-13, refers to Subsection (d), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended by Section 3, Chapter 282, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 827a, Vernon's Texas Penal Code). That statute was transferred to Section 3(d), V.A.C.S. Article 6701d-11, by Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973. That statute is codified in this code as Section 621.206(a), and the revised law is drafted accordingly.

[Sections 622.045-622.050 reserved for expansion]

SUBCHAPTER E. VEHICLES TRANSPORTING ELECTRIC POWER TRANSMISSION POLES

Revised Law

Sec. 622.051. LENGTH LIMITATION; FEE. (a) A person may operate over a highway or road of this state a vehicle or combination of vehicles that is used exclusively for transporting poles required for the maintenance of electric power transmission and distribution lines if:

(1) the vehicle, or combination of vehicles, is not longer than 75 feet, including the load; and

(2) the operator of the vehicle, or combination of vehicles, pays to the department $120 each calendar year.
(b) The limitation in Subsection (a)(1) does not apply to a truck-tractor or truck-tractor combination transporting poles for the maintenance of electric power transmission or distribution lines. (V.A.C.S. Art. 6701d-14, Sec. 1.)

Source Law

Art. 6701d-14
Sec. 1. (a) Notwithstanding other provisions of the Statutes governing the length of motor vehicles and combinations thereof and the provisions of the Statutes controlling the distance which a load may extend beyond the front or rear of a vehicle or combination of vehicles which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations thereof where the combined length of the vehicle or combination of vehicles and its load does not exceed seventy-five (75) feet in length and where such vehicles or combinations thereof are used exclusively for the transport of poles required for the maintenance of electric power transmission and distribution lines; provided, however, the operator of any such vehicle or combination of vehicles must pay to the State Department of Highways and Public Transportation the sum of One Hundred and Twenty Dollars ($120) per calendar year.

(b) The length limitation in Subsection (a) of this section does not apply to a truck-tractor or truck-tractor combination transporting poles for the maintenance of electric power transmission and distribution lines.

Revised Law

Sec. 622.052. TIME OF OPERATION; SPEED; DISPLAY OF FLAG OR CLOTH. (a) A vehicle to which this subchapter applies may be operated only:

(1) between sunrise and sunset; and

(2) at a speed not to exceed 50 miles per hour.

(b) A red flag or cloth not less than 12 inches square must be displayed at the rear of the load carried on the vehicle so that the entire area is visible to the driver of a vehicle approaching from the rear.

(c) The limitation in Subsection (a)(1) does not apply to a vehicle being operated to prevent interruption or impairment of electric service or to restore electric service that has been interrupted. (V.A.C.S. Art. 6701d-14, Sec. 2.)
Sec. 2. (a) Except as provided by Subsection (b) of this section, such vehicles may be operated only between the hours of sunrise and sunset, as defined by law, and at a rate of speed not greater than fifty (50) miles per hour; and provided further, that there shall at all times be displayed at the extreme rear end of the load carried on such vehicles a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(b) The limitation on hours of operation in Subsection (a) of this section does not apply to a vehicle being operated to prevent interruption or impairment of electric service or to restore electric service that has been interrupted.

Sec. 622.053. CONFORMITY WITH GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT. The width, height, and gross weight of a vehicle or combination of vehicles to which this subchapter applies shall conform to Chapter 621. (V.A.C.S. Art. 6701d-14, Sec. 3.)

Sec. 3. The width, height and gross weight of each such vehicle or combination thereof shall conform to the requirements of Article 827a, Revised Penal Code of Texas.

Section 3, V.A.C.S. Article 6701d-14, refers to Article 827a, Revised Penal Code of Texas. That statute was transferred to V.A.C.S. Article 6701d-11 by Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973, and is codified in Chapter 621 of this code, and the revised law is drafted accordingly.

Sec. 622.061. LENGTH LIMITATION. (a) A person may operate over a highway or road of this state a vehicle or combination of vehicles exclusively for the transportation of poles or pipe if the vehicle or combination of vehicles is not longer than 65 feet,
including the load.

(b) The limitation in Subsection (a) does not apply to a truck-tractor or truck-tractor combination transporting poles or pipe. (V.A.C.S. Art. 6701d-17, Sec. 1.)

Source Law

Art. 6701d-17
Sec. 1. (a) Notwithstanding other provisions of the statutes governing the length of motor vehicles and combinations thereof and provisions of the statutes controlling the distance which a load may extend beyond the front or rear of a vehicle or combination of vehicles which may be operated over the highways and roads and except as provided by Subsection (b) of this section, it shall be lawful to operate such vehicles and combinations thereof where the combined length of the vehicle or vehicles and its load does not exceed sixty-five (65) feet in length and where such vehicles or combinations thereof are used exclusively for the transportation of poles or pipe.

(b) The length limitation in Subsection (a) of this section does not apply to a truck-tractor or truck-tractor combination transporting poles or pipe.

Revised Law

Sec. 622.062. TIME OF OPERATION; DISPLAY OF FLAG OR CLOTH.
(a) A vehicle to which this subchapter applies may be operated only between sunrise and sunset as defined by law.

(b) A red flag or cloth not less than 12 inches square must be displayed at the rear of the load carried on the vehicle so that the entire area is visible to the driver of a vehicle approaching from the rear. (V.A.C.S. Art. 6701d-17, Sec. 2.)

Source Law

Sec. 2. Such vehicles may be operated only between the hours of sunrise and sunset as defined by law and there shall at all times be displayed at the extreme rear end of the load carried on such vehicles a red flag or cloth not less than twelve (12) inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Revised Law

Sec. 622.063. CONFORMITY WITH GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT. A vehicle or combination of vehicles to which this subchapter applies shall conform to the width, height, and weight requirements of Chapter 621. (V.A.C.S. Art. 6701d-17,
Sec. 3. The width, height, length and weight of each vehicle or combination thereof shall conform to the requirements of Article 827a, Revised Penal Code of Texas, and nothing in this Act shall be construed to repeal any other provisions of the statutes other than the necessity to secure a permit from the Texas Highway Department to operate a combination of vehicles hauling pipe or poles.

Revisor's Note

(1) Section 3, V.A.C.S. Article 6701d-17, provides that the length of a vehicle or combination of vehicles shall conform to the requirements of Article 827a, Revised Penal Code of Texas. Section 1, V.A.C.S. Article 6701d-17, codified in this code as Section 622.061, prescribes a length limitation for a vehicle or combination of vehicles used exclusively to transport poles or pipe. The reference to vehicle length in Section 3 would render Section 1 ineffectual. Because the legislature is presumed not to have intended to enact a law having no effect, the reference to length is omitted from the revised law.

(2) Section 3, V.A.C.S. Article 6701d-17, refers to Article 827a, Revised Penal Code of Texas. That statute was transferred to V.A.C.S. Article 6701d-11 by Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973. That statute is codified in this code as Chapter 621, and the revised law is drafted accordingly.

(3) Section 3, V.A.C.S. Article 6701d-17, provides that that article does not repeal other statutes except to the extent that a person must obtain a permit from the Texas Highway Department (now the Texas Department of Transportation) to operate a combination of vehicles hauling pipe or poles. This
provision is omitted from the revised law as
unnecessary because the statement duplicates general
rules of statutory construction.

[Sections 622.064-622.070 reserved for expansion]

SUBCHAPTER G. SPECIAL MOBILE EQUIPMENT

Revised Law

Sec. 622.071. DEFINITION. In this subchapter, "special
mobile equipment" has the meaning assigned by Section 541.201.
(V.A.C.S. Art. 6701a-3, Sec. 1 (part).)

Source Law

Art. 6701a-3
Sec. 1. In this Act, "special mobile equipment" has the meaning assigned by Section 2(k), Uniform Act
Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes) . . . .

Revisor's Note

Section 1, V.A.C.S. Article 6701a-3, refers to
Section 2(k), Uniform Act Regulating Traffic on
Highways (Article 6701d, Vernon's Texas Civil
Statutes). That statute is codified in this code as
Section 541.201, and the revised law is drafted
accordingly.

Revised Law

Sec. 622.072. IDENTIFICATION MARKINGS ON SPECIAL MOBILE
EQUIPMENT; OFFENSE. (a) Before the 31st day after the date a
person becomes the owner of a unit of special mobile equipment, the
person shall mark in a conspicuous place on the main chassis the
manufacturer's serial number, an operation identification number
recognized by law enforcement agencies, or a company identification
number in a manner that is visible from not less than 50 feet.
(b) A person commits an offense if the person:

(1) owns a unit of special mobile equipment; and

(2) fails to mark the unit as provided by this
section.

(c) An offense under this section is a misdemeanor punishable by a fine of not less than $10 or more than $100 for each unit. (V.A.C.S. Art. 6701a-3, Sec. 2.)

Source Law

Sec. 2. (a) Each unit of special mobile equipment must be marked in a conspicuous place on the main chassis with the manufacturer's serial number, an operation identification number recognized by law enforcement agencies, or a company identification number in a manner that is visible from a distance of not less than 50 feet.

(b) A person commits an offense if the person owns a unit of special mobile equipment and the person fails to mark the unit in accordance with this section before the 31st day after the date the person acquires the unit.

(c) An offense under this section is punishable by a fine of not less than $10 nor more than $100 per unit of unmarked equipment.

Revised Law

Sec. 622.073. TRANSPORTATION OF SPECIAL MOBILE EQUIPMENT; OFFENSE. (a) A person commits an offense if the person transports on a public road or highway a unit of special mobile equipment that is not marked as required by Section 622.072.

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by a fine of not less than $25 or more than $200.

(c) An offense under this section is a misdemeanor punishable by a fine of not less than $200 or more than $500, confinement in the county jail for a term of not less than 60 days or more than 180 days, or both the fine and the confinement if:

(1) the person committing the offense fails or refuses to exhibit, on demand of a peace officer, a document that contains:

(A) the name, address, and telephone number of the owner of the unit of special mobile equipment;

(B) the place of origin of the unit, including the address of and telephone number at that point and the date the unit was picked up;

(C) the destination of the unit, including the
address or telephone number;

(D) a description of the unit being transported, including the manufacturer's serial number and other identification numbers;

(E) a description of the motor vehicle transporting the unit; and

(F) the name, address, and telephone number of the person operating the motor vehicle transporting the unit;

(2) the person committing the offense exhibits a false or forged document purporting to contain the information described by Subdivision (1); or

(3) on inspection by the peace officer, the peace officer determines that the identification number of the unit of special mobile equipment has been removed, covered, or altered.

(d) For purposes of Subsection (c)(3), a peace officer has probable cause to inspect a unit of special mobile equipment to determine the identification numbers of the unit if:

(1) the person operating the motor vehicle transporting the unit fails or refuses to exhibit on demand a document described by Subsection (c)(1); or

(2) the unit is not marked as required by Section 622.072. (V.A.C.S. Art. 6701a-3, Sec. 3.)

Source Law

Sec. 3. (a) A person commits an offense if the person transports on a public road or highway a unit of special mobile equipment that is not marked as required by Section 2 of this Act.

(b) An offense under this section is punishable by a fine of not less than $25 nor more than $200 if the person who commits the offense exhibits, on demand of a peace officer, a written document that contains:

(1) the name, address, and telephone number of the owner of the unit of special mobile equipment;

(2) the point of origin of the unit, including the address and telephone number at that point and the date the unit was picked up;

(3) the destination of the unit, including the address or telephone number;

(4) a description of the unit being transported, including the manufacturer's serial number and other identification numbers;

(5) a description of the motor vehicle transporting the unit; and
(6) the name, address, and telephone number of the person operating the motor vehicle transporting the unit.

(c) An offense under this section is punishable by a fine of not less than $200 nor more than $500, confinement in the county jail for not less than 60 nor more than 180 days, or both a fine and confinement, if:

(1) the person committing the offense fails or refuses to exhibit, on demand of a peace officer, a written document containing information described in Subsection (b) of this section;

(2) the person committing the offense exhibits a false or forged written document purporting to contain the information described in Subsection (b) of this section; or

(3) on inspection by the peace officer, the peace officer determines that the identification number of the unit of special mobile equipment has been removed, covered, or altered.

(d) For purposes of Subsection (c)(3) of this section, a peace officer has probable cause to inspect a unit of special mobile equipment to determine the identification numbers of the unit if:

(1) the person operating the motor vehicle transporting the unit fails or refuses to display on demand a document described in Subsection (b) of this section; or

(2) the unit is not marked as required by Section 2 of this Act.

Revisor's Note
Section 3, V.A.C.S. Article 6701a-3, refers to Section 2, V.A.C.S. Article 6701a-3. That statute is codified in this code as Section 622.072, and the revised law is drafted accordingly.

Revised Law
Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:

(1) farm equipment used for a purpose other than construction;

(2) special mobile equipment owned by a dealer or distributor;

(3) a vehicle used to propel special mobile equipment that is registered as a farm vehicle as defined by Section 502.163; or

(4) equipment while being used by a commercial hauler to transport special mobile equipment under hire of a person who derives $500 in gross receipts annually from a farming or ranching
enterprise. (V.A.C.S. Art. 6701a-3, Secs. 1 (part), 5.)

Source Law

Sec. 1. ... except that the term does not include farm equipment used for purposes other than construction or special mobile equipment owned by a dealer or distributor.

Sec. 5. (a) Nothing in this Act shall apply to those vehicles used to propel special mobile equipment which are registered as farm vehicles as defined under Section 6a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-6a, Vernon's Texas Civil Statutes).

(b) Nothing in this Act shall apply to bona fide farmers who hire a commercial hauler to transport special mobile equipment. A bona fide farmer is defined as one who derived $500 in gross receipts annually from a farming or ranching enterprise.

Revisor's Note

Section 5(a), V.A.C.S. Article 6701a-3, refers to Section 6a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-6a, Vernon's Texas Civil Statutes). That statute is codified in this code as Section 502.163, and the revised law is drafted accordingly.

Revisor's Note (End of Subchapter)

The revised law omits Section 4, V.A.C.S. Article 6701a-3, which refers to the effective date of the act, because that provision is executed. The omitted law reads:

Sec. 4. Notwithstanding Section 2(b) of this Act, a person who purchased a unit of special mobile equipment before the effective date of this Act does not commit an offense under that section with respect to that unit unless the person fails, before April 1, 1986, to mark the unit as required by this Act.

[Sections 622.075-622.080 reserved for expansion]

SUBCHAPTER H. VEHICLES TRANSPORTING LUMBER

Revised Law

Sec. 622.081. WEIGHT OF LUMBER. The weights in the schedule
of "average weights of Southern Pine Association" issued in 1933 shall be used to determine the weight of lumber carried by a truck engaged in transporting lumber over a highway in this state.

(V.A.C.S. Art. 6701a-1.)

Source Law

Art. 6701a-1. In determining the amount of poundage being carried by any truck engaged in the transportation of lumber over any highway in this State, and for the purpose of determining such weight, the weights set out in the schedule of "average weights of Southern Pine Association" issued in 1933 shall govern as to the weight of such lumber.

[Sections 622.082-622.100 reserved for expansion]

SUBCHAPTER I. VEHICLES TRANSPORTING COTTON OR COTTON PROCESSING EQUIPMENT

Revised Law

Sec. 622.101. VEHICLE TRANSPORTING COTTON OR PROCESSING EQUIPMENT. A single motor vehicle used exclusively to transport seed cotton modules, cotton, or equipment used to transport or process cotton may not be operated on a highway or road if the vehicle is:

(1) wider than nine feet and the highway has not been designated by the commission under Section 621.202 if the vehicle is registered under Section 502.277;

(2) longer than 48 feet; or

(3) higher than 14 feet 6 inches. (V.A.C.S. Art. 6701d-11, Secs. 3B(a), (b), (f).)

Source Law

Sec. 3B. (a) Except as provided by Subdivision (4) of Subsection (a) of Section 3 of this Act, a single motor vehicle used only to transport seed cotton modules, cotton, or equipment used in transporting or processing of cotton shall not exceed a width of ninety-six (96) inches when operated on any highway designated by the State Highway and Public Transportation Commission pursuant to Section 3-1/2 of this Act. A motor vehicle described by this subsection that does not exceed a width of one hundred and eight inches may be operated on any highway not so designated if that vehicle is registered pursuant to Section 5o, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929.
(b) A single motor vehicle used only to transport seed cotton modules, cotton, or equipment used in transporting or processing of cotton may exceed the limitation on length provided for a single vehicle by Subsection (c) of Section 3 of this Act but may not exceed a length of forty-eight (48) feet.

(f) Except as provided by Subsection (d) of this section, a single motor vehicle used only to transport seed cotton modules, cotton, or equipment used in transporting or processing of cotton may exceed the limitation on height provided for a single vehicle by Subsection (b) of Section 3 of this Act but may not exceed a height of fourteen (14) feet, six (6) inches.

Revisor's Note

(1) Section 3B(a), V.A.C.S. Article 6701d-11, refers to "Section 50, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929," which is printed as V.A.C.S. Article 6675a-50. That provision is codified as Section 502.277 of this code. The revised law is drafted accordingly.

(2) Section 3B(a), V.A.C.S. Article 6701d-11, imposes a 96-inch width limitation applicable to a highway designated pursuant to Section 3-1/2 of that article. The limitation is omitted from the revised law as unnecessary because under Section 3-1/2, the general limitation applicable to all vehicles is 96 inches on a designated highway. Section 3-1/2, V.A.C.S. Article 6701d-11, is revised by Section 621.202 of this code.

[Sections 622.102-622.900 reserved for expansion]

SUBCHAPTER Y. MISCELLANEOUS SIZE EXCEPTIONS

Revised Law

Sec. 622.901. WIDTH EXCEPTIONS. The width limitation provided by Section 621.201 does not apply to:

(1) highway building or maintenance machinery that is traveling:

(A) during daylight on a public highway other than a highway that is part of the national system of interstate
and defense highways; or

(B) for not more than 50 miles on a highway that
is part of the national system of interstate and defense highways;

(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 or
implement of husbandry, other than a tractor or implement being
transported from one dealer to another, is being moved by the owner
of the tractor or implement or by an agent or employee of the
owner:

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

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

(iii) in the course of an agricultural
operation;

(3) machinery that is used solely for drilling water
wells, including machinery that is a unit or a unit mounted on a
conventional vehicle or chassis, and that is traveling:

(A) during daylight on a public highway other
than a highway that is part of the national system of interstate
and defense highways; or

(B) for not more than 50 miles on a highway
that is part of the national system of interstate and defense
highways;

(4) a vehicle owned or operated by a public, private,
or volunteer fire department; or

(5) a vehicle registered under Section 502.164.

(V.A.C.S. Arts. 6701d-11, Secs. 3(a)(2), (6); 6701d-11a, Sec. 3.)
[Art. 6701d-11]

(a) • • •

(2) The width limit in Subdivision (1) of this subsection does not apply to the following vehicles traveling during the daylight hours 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 fifty (50) miles on a highway that is part of the National System of Interstate and Defense Highways:

(A) machinery used solely for drilling water wells, including machinery that is a unit in itself or that is a unit mounted on a conventional vehicle or chassis;

(B) highway building or maintenance machinery;

(C) a farm tractor or implement of husbandry; and

(D) a vehicle on which a farm tractor or implement of husbandry is being moved by the owner of or an agent or employee of the owner of the tractor or implement other than a tractor or implement transported from one dealer to another:

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

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

(iii) in the course of an agricultural operation.

(6) The width limitations of this subsection do not apply to vehicles owned or operated by a public, private, or volunteer fire department.

[Art. 6701d-11a]

Sec. 3. The width requirements in Subdivision (2), Subsection (a), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), do not apply to a vehicle registered under Section 2 of this Act which has a width of 136 inches or less at its widest point.

Revisor's Note

(1) Section 3(a), V.A.C.S. Article 6701d-11, refers to the width limitations provided by "this subsection" or "Subdivision (1) of this subsection."

The width limitation referenced is revised in this code by Section 621.201, and the revised law reflects that citation.

(2) Section 3, V.A.C.S. Article 6701d-11a, provides that the width requirements of Section
3(a)(2), V.A.C.S. Article 6701d-11, do not apply to a vehicle registered under Section 2 of that article.

Section 2 of V.A.C.S. Article 6701d-11 is revised as Section 502.164 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 622.902. LENGTH EXCEPTIONS. The length limitations provided by Sections 621.203-621.205 do not apply to:

(1) machinery used exclusively for drilling water wells, including machinery that is itself a unit or that is a unit mounted on a conventional vehicle or chassis;

(2) a vehicle owned or operated by a public, private, or volunteer fire department;

(3) a vehicle or combination of vehicles operated exclusively in the territory of a municipality or to a combination of vehicles operated by a municipality in a suburb adjoining the municipality in which the municipality has been using the equipment or similar equipment in connection with an established service to the suburb;

(4) a truck-tractor, truck-tractor combination, or truck-trailer combination exclusively transporting machinery, materials, and equipment incidental to or used in the construction, operation, and maintenance of facilities that are used for the discovery, production, and processing of natural gas and petroleum, and that machinery, materials, and equipment when used in the construction and maintenance of pipelines;

(5) a drive-away saddlemount vehicle transporter combination or a drive-away saddlemount with fullmount vehicle transporter combination, as defined by 23 C.F.R. Part 658 or its successor, if:

(A) the overall length of the combination is not longer than 75 feet; and

(B) the combination does not have more than
three saddlemounted vehicles if the combination does not include more than one fullmount vehicle; or

(6) the combination of a tow truck and another vehicle or vehicle combination if:

(A) the other vehicle or vehicle combination cannot be normally or safely driven or was abandoned on a highway; and

(B) the tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or destination of unloading. (V.A.C.S. Art. 6701d-11, Secs. 3(c)(1) (part), (5), (6), (7), (8).)

Source Law

(1) . . . unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town; and unless, in the case of any combination of such vehicles, same be operated by municipal corporations in adjoining suburbs wherein said municipal corporation has heretofore been using such or like equipment in connection with an established service to such suburbs of the municipality. The length limitations in this subdivision do not apply to a truck-tractor, truck-tractor combination, or a truck-trailer combination exclusively transporting oil field equipment, as that term is defined by Subsection (i) of Section 1, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes). . . .

(5) The length limitations of this subsection do not apply to vehicles owned or operated by a public, private, or volunteer fire department.

(6) The length limitations of this subsection do not apply to drive-away saddlemount vehicle transporter combinations or drive-away saddlemount with fullmount vehicle transporter combinations, as defined by 23 C.F.R. Part 658 or its successor, that do not exceed an overall length of seventy-five (75) feet and do not exceed three (3) saddlemounted vehicles if the combinations do not include more than one fullmount vehicle.

(7) The length limitations of this subsection do not apply to machinery used solely for drilling water wells including machinery that is a unit in itself or that is a unit mounted on a conventional vehicle or chassis.

(8) The length limitations of this subsection do not apply to the combination of a tow truck and another vehicle or vehicle combination if:

(A) the other vehicle or vehicle combination cannot be normally or safely driven or was abandoned on a highway; and

(B) the tow truck is towing the other vehicle or vehicle combination directly from its location on the highway to the nearest authorized place.
of repair, terminal, or destination of unloading.

Revisor's Note

(1) Section 3(c)(1), V.A.C.S. Article 6701d-11, refers to "Subsection (i) of Section 1, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes)" and to the definition of "oil field equipment." Most of Article 911b has been superseded by federal law deregulating the trucking industry, and that article is not revised in this code. The definition of "oil field equipment" derived from Article 911b is incorporated into the revised law.

(2) Section 3(c), V.A.C.S. Article 6701d-11, refers to the "length limitations of this subsection." The length limitations referenced are revised in this code in Sections 621.203-621.205, and the revised law reflects those citations.

(3) Section 3(c)(1), V.A.C.S. Article 6701d-11, refers to "an incorporated city or town" and to "municipal corporations." The revised law substitutes the term "municipality" for those terms because that is the term used in the Local Government Code.

[Sections 622.903-622.950 reserved for expansion]

SUBCHAPTER Z. MISCELLANEOUS WEIGHT EXCEPTIONS

Revised Law

Sec. 622.951. OIL FIELD SERVICE EQUIPMENT. (a) A limitation relating to a vehicle's total gross weight or the weight on a vehicle's axle or group of axles does not apply to a motor vehicle that is used exclusively for transporting fixed load oil field service equipment used in connection with servicing oil and gas wells that are not more than 50 highway miles from the
equipment's point of origin.

(b) The total gross weight of a vehicle to which this section applies may not be heavier than 58,000 pounds. (V.A.C.S. Art. 6701d-11, Sec. 5a.)

Source Law

Sec. 5a. Notwithstanding other provisions of the statutes governing the weight of motor vehicles which may be operated over, on, and upon the highways and roads of this state, it shall be lawful to operate motor vehicles whose total gross weight shall not exceed fifty-eight thousand (58,000) pounds, where such vehicles comply with all other provisions of law excepting only as to their total gross weight and the limitations of weight on axle or group of axles, where such vehicles are used exclusively for transporting fixed load oil field service equipment used in connection with servicing oil and gas wells from the point of origin to well location not more than fifty (50) highway miles distant from such origin.

Revised Law

Sec. 622.952. FIRE DEPARTMENT VEHICLE. (a) The weight limitations of Section 621.101 do not apply to a vehicle owned or operated by a public, private, or volunteer fire department.

(b) The weight of a fire department's vehicle may not be heavier than the manufacturer's gross vehicle weight capacity or axle design rating. (V.A.C.S. Art. 6701d-11, Sec. 5(c).)

Source Law

(c) The weight limitations of this section do not apply to vehicles owned or operated by a public, private, or volunteer fire department. Vehicles may not exceed the manufacturer's gross vehicle weight capacity or axle design rating.

Revised Law

Sec. 622.953. VEHICLE TRANSPORTING SEED COTTON MODULES. (a) The weight limitations of Section 621.101 do not apply to a vehicle or combination of vehicles used exclusively to transport seed cotton modules.

(b) The overall gross weight of a vehicle or combination to which this section applies may not be heavier than 59,400 pounds.

(c) The owner of a vehicle or combination to which this
section applies that has a gross weight of more than 59,400 pounds
is liable to the state, county, or municipality for any damage to a
highway, street, road, or bridge caused by the weight of the load.
(d) A vehicle or combination to which this section applies
may not be operated on the national system of interstate and
defense highways if the vehicle exceeds the maximum weight
authorized by 23 U.S.C. Section 127. (V.A.C.S. Art. 6701d-11,
Secs. 3B(c)-(e).)

Source Law

(c) Except as provided by Subsection (d) of this
section, a vehicle or combination of vehicles used only
to transport seed cotton modules may exceed the
limitations on weight provided by Section 5 of this
Act, but the overall gross weight of the vehicle or
vehicles may not exceed fifty-nine thousand, four
hundred (59,400) pounds.
(d) A vehicle may not be operated on the
national system of interstate and defense highways if
it exceeds the maximum weight authorized by 23 U.S.C.
Section 127.
(e) The owner of a vehicle covered by this
section having a gross weight greater than fifty-nine
thousand, four hundred (59,400) pounds is liable to and
shall compensate the state, county, or city for all
damages to a highway, street, road, or bridge caused by
the weight of the load.

Reviser's Note

Section 3B(e), V.A.C.S. Article 6701d-11, refers
to "a city." The revised law substitutes the term
"municipality" for "city" because that is the term used
in the Local Government Code.

CHAPTER 623. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

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CHAPTER 623. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 623.001. DEFINITION. In this chapter, "department"

means the Texas Department of Transportation. (New.)
Revisor's Note

The definition of "department" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

[Sections 623.002-623.010 reserved for expansion]

SUBCHAPTER B. GENERAL PERMITS

Revised Law

Sec. 623.011. PERMIT FOR EXCESS AXLE OR GROSS WEIGHT. (a) The department may issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles:

(1) at an axle weight that is not heavier than the weight equal to the maximum allowable axle weight for the vehicle or combination plus a tolerance allowance of 10 percent of that allowable weight; and

(2) at a gross weight that is not heavier than the weight equal to the maximum allowable gross weight for the vehicle or combination plus a tolerance allowance of five percent.

(b) To qualify for a permit under this section:

(1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;

(2) the security requirement of Section 623.012 must be satisfied; and

(3) a permit fee of $75 must be paid.

(c) A permit issued under this section:

(1) is valid for one year;

(2) must be carried in the vehicle for which it is issued; and

(3) does not authorize the operation on the national system of interstate and defense highways in this state of vehicles.
with a weight greater than authorized by federal law. (V.A.C.S. Art. 6701d-11, Secs. 5B(a), (b), (c), (d), (e) (part).)

Source Law
Sec. 5B. (a) The department shall issue permits as provided by this section allowing a commercial motor vehicle, truck tractor, trailer, semitrailer, or combination of those vehicles to operate with a gross weight or axle weight that exceeds the allowable gross or axle weight for the vehicle.
   (b) The permit authorizes the operation of the vehicle at a weight that exceeds the allowable axle weight by a tolerance allowance of 10 percent and exceeds the allowable gross weight by a tolerance allowance of five percent. In the case of a permit issued for a truck tractor, the permit also authorizes the operation of the truck tractor in combination with one or more other vehicles at a weight that exceeds the allowable axle weight by a tolerance allowance of 10 percent and exceeds the allowable gross weight for such combination of vehicles by a tolerance allowance of five percent.
   (c) This section does not authorize the operation on the national system of interstate and defense highways in this state of vehicles with a weight greater than authorized by federal law.
   (d) The department may only issue the permit if the vehicle is registered under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), for the maximum gross weight applicable to the vehicle under Section 5 of this Act, not to exceed 80,000 pounds in total gross weight.
   (e) The permit is valid for one year and must be carried in the vehicle. The fee for the permit is $75. . . .

Revisor's Note
Section 5B(d), V.A.C.S. Article 6701d-11, refers to "Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes)," which is codified in Chapter 502 of this code. The revised law is drafted accordingly.

Revised Law
Sec. 623.012. SECURITY FOR PERMIT. (a) An applicant for a permit under Section 623.011, other than a permit to operate a vehicle loaded with timber or pulp wood, wood chips, cotton, or agricultural products in their natural state, shall file with the department:
(1) a blanket bond; or
(2) an irrevocable letter of credit issued by a financial institution the deposits of which are guaranteed by the Federal Deposit Insurance Corporation.

(b) The bond or letter of credit must:

(1) be in the amount of $15,000 payable to the department and the counties of this state;
(2) be conditioned that the applicant will pay the department for any damage to a state highway, and a county for any damage to a road or bridge of the county, caused by the operation of the vehicle for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301; and
(3) provide that the issuer is to notify the department and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

(c) If an issuer of a bond or letter of credit pays under the bond or letter of credit, the permit holder shall file with the department before the 31st day after the date on which the payment is made:

(1) a replacement bond or letter of credit in the amount prescribed by Subsection (b) for the original bond or letter of credit; or
(2) a notification from the issuer of the existing bond or letter of credit that the bond or letter of credit has been restored to the amount prescribed by Subsection (b).

(d) If the filing is not made as required by Subsection (c), each permit held by the permit holder under Section 623.011 automatically expires on the 31st day after the date on which the payment is made on the bond or letter of credit. (V.A.C.S. Art. 6701d-11, Sec. 5B(g).)

Source Law

(g) An applicant for a permit under this section, other than an applicant who intends to operate a vehicle that is loaded with timber or pulp wood, wood
chips, cotton, or agricultural products in their natural state, shall file with the department an irrevocable letter of credit issued by a financial institution whose deposits are guaranteed by the Federal Deposit Insurance Corporation or a blanket bond in the amount of $15,000 payable to the department and to the counties of this state and conditioned that the applicant will pay to the department for any damage to a state highway and will pay to a county for any damage to a road or bridge of such county caused by the operation of any vehicle for which a permit is issued with a gross weight or axle weight that exceeds the weights authorized by Section 5 or Section 5 1/2 of this Act. The bond or letter of credit shall include an undertaking by the issuer to notify the department and the applicant in writing promptly after any payment is made by the issuer in respect of the bond or letter of credit. If payment is made by the issuer in respect of the bond or letter of credit and the applicant does not file with the department a replacement bond or letter of credit in the full amount of $15,000, or a notification from the issuer of the existing bond or letter of credit that the existing bond or letter of credit has been restored to the full $15,000, within 30 days after the date of such payment, then all permits held by the applicant under this section shall automatically expire.

Revisor’s Note

Section 5B(g), V.A.C.S. Article 6701d-11, refers to Sections 5 and 5-1/2 of this Act, meaning Article 6701d-11. Those sections are revised in this code in Subchapter B, Chapter 621, and in Section 621.301. The revised law reflects those citations.

Revised Law

Sec. 623.013. PERMIT HOLDER’S NOTICE TO COUNTY. (a) Not later than the 14th day after the date a person receives a permit under Section 623.011, the person shall notify by certified or registered mail, return receipt requested, the county clerk of each county in which the person intends that the vehicle be operated. The notice must include:

(1) the name and address of the registered owner or operator of the vehicle;

(2) the vehicle identification number and license plate number of the vehicle;

(3) a statement that the person intends that a vehicle with a gross weight, axle weight, or wheel load that exceeds the
limitations established under Subchapter B of Chapter 621 or Section 621.301 be operated on or over the county roads, bridges, and culverts; and

(4) a statement that the notice is being given as required by this subsection.

(b) The person shall send a copy of the permit and the bond or letter of credit required for the permit with the notice required by this section.

(c) If the permit holder is a corporation or partnership, the notice under this section may be given by an officer of the corporation or by a general partner of the partnership. (V.A.C.S. Art. 6701d-11, Secs. 2(b)(2)-(4).)

Source Law

(2) Not later than the 14th day after the date a person receives a permit under Section 5B of this Act, the person shall notify by certified or registered mail, return receipt requested, the county clerk of each county in which the person intends to operate or cause to be operated the vehicle. The notification must include:

(A) the name and address of the registered owner or operator of the vehicle;

(B) the vehicle identification number and license plate number of the vehicle;

(C) a statement that the person intends to operate or cause to be operated the vehicle on, over, or across the county roads, bridges, and culverts with a gross weight, axle weight, or wheel load that exceeds the limitations established under Section 5 or Section 5 1/2 of this Act; and

(D) a statement that the notification is given pursuant to this subsection.

(3) A copy of the permit issued and bond or letter of credit required under Section 5B of this Act shall accompany the notification required under Subdivision (2) of this subsection.

(4) The notification under Subdivision (2) of this subsection may be given by an officer of a corporation or by a general partner in a partnership.

Revisor's Note

Section 2(b)(2), V.A.C.S. Article 6701d-11, refers to Section 5 and 5-1/2 of this Act, meaning V.A.C.S. Article 6701d-11. Those sections are revised in this code in Subchapter B, Chapter 621, and in Section 621.301. The revised law reflects those
Sec. 623.014. TRANSFER OF PERMIT. (a) The department without charge may transfer a permit issued under Section 623.011 to a vehicle for which an original permit may be issued under that section if:

(1) the vehicle for which the permit was issued has been sold;

(2) the lease of the vehicle for which the permit was issued has terminated; or

(3) the vehicle for which the permit was issued is to be out of service because of a mechanical failure for longer than 30 days.

(b) The transfer of a permit does not extend the period for which the permit is valid.

(c) A person must apply for a transfer by filing with the department an affidavit that states the reason for the transfer and a description of the vehicle to which the permit is to be transferred, including its vehicle identification number.

(V.A.C.S. Art. 6701d-11, Sec. 5B(i).)

Sec. 623.015. LIABILITY FOR DAMAGE. (a) The liability of a holder of a permit issued under Section 623.011 for damage to a state road or highway or a county road is not limited to the amount
of the bond or letter of credit required for the issuance of the
permit.

(b) The holder of a permit issued under Section 623.011 who
has filed the bond or letter of credit required for the permit and
who has filed the notice required by Section 623.013 is liable to
the county only for the actual damage to a county road, bridge, or
culvert with a load limitation established under Subchapter B of
Chapter 621 or Section 621.301 caused by the operation of the
vehicle in excess of the limitation. If a county judge, county
commissioner, county road supervisor, or county traffic officer
requires the vehicle to travel over a designated route, it is
presumed that the designated route, including a bridge or culvert
on the route, is of sufficient strength and design to carry and
withstand the weight of the vehicle traveling over the designated
route. (V.A.C.S. Art. 6701d-11, Secs. 2(b)(5), (6) (part), 5B(h)
(part).)

Source Law

[Sec. 2]
(5) The owner or operator of a vehicle
that has a permit issued under Section 5B of this Act,
who has filed the bond or letter of credit required
under Section 5B of this Act, and who has filed the
notification required by this subsection is liable to
the county only for the actual damages to the county
roads, bridges, or culverts with load limitations
established under Section 5 or Section 5 1/2 of this
Act caused by the operation of the vehicle in excess of
those limitations. If a County Judge, County
Commissioner, County Road Supervisor, or County Traffic
Officer requires such vehicle to travel over a
designated route, it shall be presumed that such
designated route, including any bridges or culverts
located thereon, is of sufficient strength and design
to carry and withstand the weight of the vehicle
traveling over such designated route.

(6) The liability of an owner or operator
for damage to county roads shall not be limited to the
amount of the bond or letter of credit required under
Section 5B. . . .

[Sec. 5B]
(h) The liability of an applicant for damage to
roads and highways shall not be limited to the amount
of the bond or letter of credit provided for in
Subsection (g) of this section. . . .
Revisor's Note

Section 2(b)(5), V.A.C.S. Article 6701d-11, refers to Section 5 and 5-1/2 of this Act, meaning V.A.C.S. Article 6701d-11. Those sections are revised in this code in Subchapter B, Chapter 621, and in Section 621.301. The revised law reflects those citations.

Revised Law

Sec. 623.016. RECOVERY ON PERMIT SECURITY. (a) The department or a county may recover on the bond or letter of credit required for a permit issued under Section 623.011 only by a suit against the permit holder and the issuer of the bond or letter of credit.

(b) Venue for a suit by the department is in a district court in:

(1) the county in which the defendant resides;
(2) the county in which the defendant has its principal place of business in this state if the defendant is a corporation or partnership; or
(3) Travis County if the defendant is a corporation or partnership that does not have a principal place of business in this state.

(c) Venue for a suit by a county is in district court in:

(1) the county in which the defendant resides;
(2) the county in which the defendant has its principal place of business in this state if the defendant is a corporation or partnership; or
(3) the county in which the damage occurred if the defendant is a corporation or partnership that does not have a principal place of business in this state. (V.A.C.S. Art. 6701d-11, Secs. 2(b)(6) (part), 5B(h) (part).)

Source Law

[Sec. 2] (6) . . . A county may recover on the
bond or letter of credit only by a suit against the
owner or operator of the vehicle and the issuer of the
bond or letter of credit filed in district court.
Venue for a suit brought by a county to recover on the
bond or letter of credit is in district court in the
county in which the defendant resides, except that if
the defendant is a corporation or partnership, venue is
in the county in which the defendant has its principal
place of business in this state. If a corporation or
partnership does not have a principal place of business
in this state, venue is in district court in the county
in which the damage occurred.

[Sec. 5B]
(h) ... The department may recover on the
bond or letter of credit only by a suit against the
owner or operator of the vehicle and the issuer of the
bond or letter of credit filed in district court.
Venue for a suit brought by the department to recover
on the bond or letter of credit is in district court in
the county in which the defendant resides, except that
if the defendant is a corporation or partnership, venue
is in the county in which the defendant has its
principal place of business in this state. If a
corporation or partnership does not have a principal
place of business in this state, venue is in district
court in Travis County.

Revised Law
Sec. 623.017. PERMIT FOR MOVEMENT OF CYLINDRICAL HAY BALES.
(a) The department may issue an annual permit to authorize the
movement of a vehicle that is used to carry cylindrical bales of
hay and that is wider than the maximum allowable vehicle width but
not wider than 12 feet.
(b) A $10 permit fee must accompany an application for a
permit under this section. (V.A.C.S. Art. 6701d-11, Sec.
3(a)(3)(B) (part).)

Source Law
(B) Notwithstanding other provisions
of the statutes governing the width of motor vehicles
that may be operated over the public highways and
roads, the State Department of Highways and Public
Transportation may, on application, issue annual
permits to authorize the movement of vehicles that are
used to carry cylindrically shaped bales of hay and
that exceed the allowable vehicle width but do not
exceed one hundred and forty-four (144) inches in
width. A $10 permit fee must accompany the
application. . . .

Revised Law
Sec. 623.018. COUNTY PERMIT. (a) The commissioners court
of a county, through the county judge, may issue a permit for:

(1) the transportation over highways of that county, other than state highways and public roads in the territory of a municipality, of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled; or

(2) the operation over a highway of that county other than a state highway or public road in the territory of a municipality:

(A) superheavy or oversize equipment for the transportation of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled; or

(B) vehicles or combinations of vehicles that exceed the weights authorized under Subchapter B, Chapter 621, or Section 621.301.

(b) A permit under Subsection (a) may not be issued for longer than 90 days.

(c) The commissioners court of a county, through the county judge, may issue an annual permit to a dealer in implements of husbandry to allow the dealer to use vehicles that exceed the width limitations provided by this chapter to transport an implement on a highway. The county judge may exercise authority under this subsection independently of the commissioners court until the commissioners court takes action on the request.

(d) If a vehicle has a permit issued under Section 623.011, a commissioners court may not:

(1) issue a permit under this section or charge an additional fee for or otherwise regulate or restrict the operation of the vehicle because of weight; or

(2) require the owner or operator to execute or comply with a road use agreement or indemnity agreement, to make a filing or application, or to provide a bond or letter of credit other than the bond or letter of credit prescribed by Section 623.012.

(e) The commissioners court may require a bond to be executed by an applicant in an amount sufficient to guarantee the
payment of any damage to a road or bridge sustained as a consequence of the transportation authorized by the permit. (V.A.C.S. Art. 6701d-11, Secs. 2(b)(1), (7); (c).)

Source Law

(b)(1) The Commissioners Courts through the County Judges of the several counties of this State may issue permits limited to periods of ninety (90) days or less for the transportation over highways of their respective counties other than State highways and public roads within the boundaries of an incorporated municipality, overweight or oversize or overlength commodities which cannot be reasonably dismantled, or for the operation over these highways of superheavy or oversize equipment for the transportation of oversize or overweight or overlength commodities which cannot be reasonably dismantled, or for the operation over these highways of vehicles or combinations of vehicles that exceed the weights authorized under Section 5 or Section 5 1/2 of this Act. If a vehicle has a permit issued under Section 5B of this Act, a commissioners court may not issue a permit under this subsection, charge any additional fee for, or otherwise regulate or restrict the operation of the vehicle with a gross weight or axle weight that exceeds the weights authorized by Section 5 or Section 5 1/2 of this Act, or require the owner or operator to execute or comply with a road use agreement or indemnity agreement, to make any filings or applications, or to provide a bond or letter of credit other than the bond or letter of credit provided for in Section 5B.

(7) A County Judge may, in the same manner provided by Subdivision (1) of this section, issue an annual permit to a dealer in implements of husbandry to allow the dealer to use vehicles that exceed the width limitations in this Act and are not exempt under Subdivision (5) of Subsection (a) of Section 3 of this Act to transport the implements on the highways. A County Judge may exercise authority independently of the Commissioners Court until the Commissioners Court takes action on each request.

(c) The Commissioners Court, in its discretion, may require a bond to be executed by an applicant in an amount sufficient to guarantee the payment of any damages to any road or bridge sustained as a consequence of the transportation authorized by the permit.

Revisor's Note

Section 2(b)(1), V.A.C.S. Article 6701d-11, refers to Sections 5 and 5-1/2 of this Act, meaning Article 6701d-11. Those sections are revised in this code in Subchapter B, Chapter 621, and in Section 621.301. The revised law reflects those citations.

[Sections 623.019-623.050 reserved for expansion]
SUBCHAPTER C. CONTRACTS FOR CROSSING ROADS

Revised Law

Sec. 623.051. CONTRACT ALLOWING OVERSIZE OR OVERWEIGHT VEHICLE TO CROSS ROAD; SURETY BOND. (a) A person may operate a vehicle that cannot comply with one or more of the restrictions of Subchapter C of Chapter 621 or Section 621.101 to cross the width of any road or highway under the jurisdiction of the department, other than a controlled access highway as defined by Section 203.001, from private property to other private property if the person contracts with the commission to indemnify the department for the cost of maintenance and repair of the part of the highway crossed by the vehicle.

(b) The commission shall adopt rules relating to the forms and procedures to be used under this section and other matters that the commission considers necessary to carry out this section.

(c) To protect the safety of the traveling public, minimize any delays and inconveniences to the operators of vehicles in regular operation, and assure payment for the added wear on the highways in proportion to the reduction of service life, the commission, in adopting rules under this section, shall consider:

(1) the safety and convenience of the general traveling public;

(2) the suitability of the roadway and subgrade on the road or highway to be crossed, variation in soil grade prevalent in the different regions of the state, and the seasonal effects on highway load capacity, the highway shoulder design, and other highway geometrics; and

(3) the state's investment in its highway system.

(d) Before exercising any right under a contract under this section, a person must execute with a corporate surety authorized to do business in this state a surety bond in an amount determined by the commission to compensate for the cost of maintenance and repairs as provided by this section. The bond must be approved by
the state treasurer and the attorney general and must be
conditioned on the person fulfilling the obligations of the
contract.
(e) This section does not apply to any person authorized by
the Railroad Commission of Texas to operate as a carrier for
compensation or hire over the public highways of this state,
regardless of whether the operations of the person are performed
under that authority. (V.A.C.S. Art. 6701d-11, Sec. 5-2/3(a), (b),
(c) (part), (d), (e), as added by Sec. 1, Ch. 689, Acts 68th Leg.,
R.S., 1983.)

Source Law
Sec. 5 2/3. (a) When any person, firm, or
corporation desires to operate any vehicle, from
private property to other private property, across the
width of any road or highway under the jurisdiction of
the State Department of Highways and Public
Transportation, other than a controlled access highway
as defined in Chapter 300, General Laws, Acts of the
55th Legislature, Regular Session, 1957 (Article 6674w,
Vernon's Texas Civil Statutes), and when such vehicle
cannot comply with one or more of the restrictions of
Sections 3 and 5 of this Act, the State Highway and
Public Transportation Commission is authorized to
contract with such person, firm, or corporation to
indemnify the department for the cost of maintenance
and repair of that portion of such highway crossed by
such vehicles.
(b) The State Highway and Public Transportation
Commission shall formulate rules and regulations
regarding the forms and procedures to be used and such
other matters as the commission may deem necessary to
carry out the provisions of this section.
(c) ... and it is logical and proper that the
terms and conditions of any contract authorized by this
section be prescribed by the State Highway and Public
Transportation Commission in such manner as will
adequately protect the safety of the traveling public,
minimize any delays and inconveniences to the operators
of vehicles in regular operation, and assure payment
for the added wear on the highways in proportion to the
reduction of service life. It is, therefore, declared
to be the policy of the legislature that in formulating
such rules and regulations and prescribing such terms
and conditions, the commission shall consider and be
guided by:
(1) the safety and convenience of the
general traveling public;
(2) the suitability of roadways and
subgrades on the various roads and highways to be
crossed, variation in soil grade prevalent in the
different regions of the state, and the seasonal
effects on highway load capacity as well as the highway
shoulder design and other highway geometrics; and
(3) the state's investment in its highway
system.
(d) The private party to any contract authorized
by this section shall, prior to exercising any rights thereunder, execute an adequate surety bond in such amount as may be determined by the State Highway and Public Transportation Commission to compensate for the cost of maintenance and repairs as provided herein, approved by the State Treasurer and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the private party fulfilling the obligations of the contract.

(e) Nothing in this section shall be construed to include or apply to any person, firm, or corporation authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, whether or not all the operations of such person, firm, or corporation are performed under such certificate, permit, or authority granted by the commission.

Revisor's Note

(1) Section 5-2/3, V.A.C.S. Article 6701d-11, refers to "person, firm, or corporation." The references to "firm" and "corporation" are omitted from the revised law because under Section 311.005(2), Government Code (Code Construction Act), "person" is defined to include a corporation or any other legal entity. That definition applies to the revised law.

(2) Section 5-2/3(a), V.A.C.S. Article 6701d-11, refers to a controlled access highway as defined by "Chapter 300, General Laws, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w, Vernon's Texas Civil Statutes)." The pertinent part of that provision is codified in Section 203.001 of this code. The revised law is drafted accordingly.

(3) Section 5-2/3, V.A.C.S. Article 6701d-11, refers to the "restrictions of Sections 3 and 5 of this Act," meaning V.A.C.S. Article 6701d-11. The restrictions referenced are revised in this code in Section 621.101 and in Subchapter C, Chapter 621, and the revised law reflects those citations.

(4) Section 5-2/3(c), V.A.C.S. Article 6701d-11, contains a policy statement recognizing that the movement of certain vehicles on public highways is a
privilege. The revised law omits that statement as unnecessary because the statement is obvious and does not add to the operative provisions of the law. The omitted part of Section 5-2/3(c) reads:

... It is recognized that the movement of such overweight and oversize vehicles is a privilege not accorded to every user of the highway system . . . .

(5) Section 5-2/3(b), V.A.C.S. Article 6701d-11, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

Revised Law

Sec. 623.052. CONTRACT ALLOWING OVERWEIGHT VEHICLE WITH COMMODITIES OR PRODUCTS TO CROSS HIGHWAY; SURETY BOND. (a) A person may operate a vehicle that exceeds the overall gross weight limits provided by Section 621.101 to cross the width of a highway from private property to other private property if:

(1) the vehicle is transporting grain, sand, or another commodity or product and the vehicle's overall gross weight is not heavier than 110,000 pounds; or

(2) the vehicle is an unlicensed vehicle that is transporting sand, gravel, stones, rock, caliche, or a similar commodity.

(b) Before a person may operate a vehicle under this section, the person must:

(1) contract with the department to indemnify the department for the cost of the maintenance and repair for damage caused by a vehicle crossing that part of the highway; and

(2) execute an adequate surety bond to compensate for the cost of maintenance and repair, approved by the state treasurer and the attorney general, with a corporate surety authorized to do
business in this state, conditioned on the person fulfilling each
obligation of the agreement. (V.A.C.S. Art. 6701d-11, Sec. 5-1/3;
Sec. 5-2/3, as added by Sec. 1, Ch. 171, Acts 68th Leg., R.S.,
1983.)

Source Law

Sec. 5 1/3. A person may operate a vehicle that exceeds the overall gross weight limits as provided by Section 5 of this Act to cross the width of a highway with the vehicle from private property to other private property if:

1. the overall gross weight of the vehicle does not exceed 110,000 pounds;
2. the person is operating the vehicle to transport grain, sand, other commodities, and products;
3. an agreement authorized by law was executed under which a private party has contracted with the State Department of Highways and Public Transportation to indemnify the department for the cost of the maintenance and repair for damage caused by the vehicles crossing that portion of the highway; and
4. the private party has executed an adequate surety bond to compensate for the cost of maintenance and repairs, approved by the State Treasurer and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the private party fulfilling the obligations of the agreement.

Sec. 5 2/3. A person may operate an unlicensed vehicle that exceeds the overall gross weight limits as provided by Section 5 of this Act to cross the width of a highway with the vehicle from private property to other private property if:

1. the person is operating the vehicle to transport sand, gravel, stones, rock, caliche, or other similar commodities;
2. an agreement authorized by law was executed under which a private party has contracted with the State Department of Highways and Public Transportation to indemnify the department for the cost of the maintenance and repair for damage caused by the vehicle crossing that portion of the highway; and
3. the private party has executed an adequate surety bond to compensate for the cost of maintenance and repairs, approved by the State Treasurer and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the private party fulfilling the obligations of the agreement.

[Sections 623.053-623.070 reserved for expansion]

SUBCHAPTER D. HEAVY EQUIPMENT

Revised Law

Sec. 623.071. PERMIT TO MOVE CERTAIN HEAVY EQUIPMENT. (a)
The department may issue a permit to a person to operate over a state highway superheavy or oversize equipment that:
(1) is used to transport cylindrically shaped bales of hay or a commodity that cannot reasonably be dismantled; and

(2) has a gross weight or size that exceeds the limits allowed by law to be transported over a state highway.

(b) The department may issue a permit to a person to operate over a farm-to-market or ranch-to-market road superheavy or oversize equipment that:

(1) is used to transport oilfield drill pipe or drill collars stored in a pipe box; and

(2) has a gross weight or size that exceeds the limits allowed by law to be transported over a state highway.

(c) The department may issue an annual permit to allow the operation on a state highway of equipment that exceeds weight and size limits provided by law for the movement of:

(1) an implement of husbandry by a dealer; or

(2) harvesting equipment being moved as part of an agricultural operation.

(d) The department may not issue a permit under this section unless the equipment may be operated without material damage to the highway.

(e) In this section, "pipe box" means a container specifically constructed to safely transport and handle oilfield drill pipe and drill collars. (V.A.C.S. Art. 6701a, Secs. 1(a) (part), (b), 1-b.)

Source Law

Art. 6701a
Sec. 1. (a) When any person, firm or corporation shall desire to operate over a state highway super-heavy or over-size equipment for the transportation of cylindrically shaped bales of hay or such commodities as cannot be reasonably dismantled, where the gross weight or size exceeds the limits allowed by law to be transported over a state highway the State Department of Highways and Public Transportation may . . . issue a permit for the operation of said equipment with said commodities, when said Department is of the opinion that the same may be operated without material damage to the highway. When any person, firm, or corporation shall desire to operate over a farm-to-market or ranch-to-market road super-heavy or over-size equipment for the transportation of oilfield drill pipe or drill collars
stored in a pipe box, where the gross weight or size exceeds the limits allowed by law to be transported over a state highway, the State Department of Highways and Public Transportation may . . . issue a permit for the operation of the equipment with the commodities, when the Department is of the opinion that the equipment may be operated without material damage to the highway. . . .

(b) In this section, "pipe box" means a container specifically constructed to safely transport and handle oilfield drill pipe and drill collars.

Sec. 1-b. (a) The Department may issue an annual permit to allow equipment that exceeds weight and size limits to be moved on a state highway if the Department determines that the equipment may be moved without material damage to the highway.

(b) A permit issued under this section is valid only for the movement of:

(1) implements of husbandry by a dealer in those implements; and
(2) harvesting equipment being moved as part of an agricultural operation.

Revisor's Note
Section 1(a), V.A.C.S. Article 6701a, refers to a "person, firm or corporation." The revised law merely refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

Revised Law
Sec. 623.072. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory shall designate to the department the route in the municipality to be used by equipment described by Section 623.071 operating over the state highway. The department shall show the designated route on each map routing the equipment.

(b) If a municipality does not designate a route, the department shall determine the route of the equipment and the commodity on each state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of superheavy or oversize equipment on the route of a state highway designated by the municipality or department. (V.A.C.S. Art. 6701a, Sec. 1(a) (part).)
(a) . . . Provided, however, that all cities and towns having a state highway within their limits shall designate to the Department the route within the city or town to be used by said equipment operating over the state highway. When so designated, the route shall be shown on all maps routing said equipment with said commodities by the Department. In the event a route is not so designated by a city or town, the Department shall determine the route on State Highways for the equipment with said commodities within cities or towns. No fee, permit or license shall be required by any city or town for movement of said super-heavy or over-size equipment on the route of a state highway designated by the Department, or on said special route designated by a city or town.

Reviser's Note

(1) Section 1(a), V.A.C.S. Article 6701a, refers to a "city or town." The revised law substitutes the term "municipality" for "city or town" because that is the term used in the Local Government Code.

(2) The revised law omits the designation of a route designated by a city or town as special because that designation is unnecessary. The designation of a route as a special route has no legal effect.

Revised Law

Sec. 623.073. AGENT. The department shall designate one or more agents who shall be available at all times to issue a permit under Section 623.071(a) or (b). (V.A.C.S. Art. 6701a, Sec. 1-a.)

Source Law

Sec. 1-a. In order to facilitate the issuance of the special permits, the State Department of Highways and Public Transportation shall designate a special agent or agents who shall at all times be available for the purpose of issuing such permits in compliance with this law.

Reviser's Note

(1) Section 1-a, V.A.C.S. Article 6701a, provides that "[i]n order to facilitate the issuance of the special permits," the State Department of Highways
and Public Transportation shall appoint an agent for
the purpose of issuing permits. The revised law omits
as unnecessary that portion of the source law that
states the purpose of that law. The operative sections
of the revised law clearly indicate what the law is
intended to accomplish.

(2) Section 1-a, V.A.C.S. Article 6701a, refers
to the "State Department of Highways and Public
Transportation." The revised law substitutes
"department" for "State Department of Highways and
Public Transportation" for the reason stated in the
revisor's note to Section 201.003 of this code.

(3) The revised law omits the designation of an
agent as special because that designation is
unnecessary. The designation of an agent as a special
agent has no legal effect.

(4) Section 1-a, V.A.C.S. Article 6701a,
requires an agent to be available to issue permits "in
compliance with this law." The quoted language is
omitted as unnecessary.

Revised Law
Sec. 623.074. APPLICATION. (a) The department may issue a
permit under this subchapter on the receipt of an application for
the permit.

(b) The application must:

(1) be in writing;
(2) state the kind of equipment to be operated;
(3) describe the equipment;
(4) give the weight of the equipment;
(5) state the kind of commodity to be transported and
the weight of the total load; and
(6) be dated and signed by the applicant.

(c) An application for a permit under Section 623.071(a) or
(b) must also state each highway and the distance over which the
equipment is to be operated. (V.A.C.S. Art. 6701a, Secs. 1(a)
(part), 2.)

Source Law

Sec. 1. (a) . . . [the State Department of
Highways and Public Transportation may], upon
application, [issue a permit for the operation of said
equipment] . . . .

Sec. 2. (a) The application for a permit as
provided for in Section 1 of this Act must be in
writing and must:
(1) state the kind of equipment to be
operated, with a complete description of the equipment,
including the weight of the equipment;
(2) state the kind of commodity to be
transported and the weight of the total load;
(3) state the highway and the distance
over which the equipment is to be operated; and
(4) be dated and signed by the applicant.
(b) Subdivision (3) of Subsection (a) of this
section does not apply to an application for a permit
under Section 1-b of this Act.

Revisor's Note

Section 2(a), V.A.C.S. Article 6701a, sets out
the requirements for an application for a permit under
Section 1 (codified in pertinent part in this code as
Sections 623.071(a) and (b)). Section 2(b) provides
that Section 2(a)(3) does not apply to an application
for a permit under Section 1-b (codified in this code
as Section 623.071(c)). Because Section 2(a) does not
purport to set out the requirements for an application
for a permit under Section 1-b, this provision is
surplusage unless Sections 2(a)(1), (2), and (4) apply
to an application for a permit under Section 1-b.
Accordingly, the revised law states the requisites of
an application without reference to a section number
and further provides that an application under Section
623.071(a) or (b) must also state each highway and the
distance over which the equipment is to be operated
(the requirements provided by Section 2(a)(3)).
Sec. 623.075. BOND. (a) Before the department may issue a permit under this subchapter, the applicant shall file with the department a bond in an amount set by the department, payable to the department, and conditioned that the applicant will pay to the department any damage that might be sustained to the highway because of the operation of the equipment for which a permit is issued.

(b) Venue of a suit for recovery on the bond is in Travis County.

(c) This section applies to the delivery of farm equipment to a farm equipment dealer. This section does not apply to the driving or transporting of farm equipment that is being used for an agricultural purpose and is driven or transported by or under the authority of the owner of the equipment. (V.A.C.S. Art. 6701a, Secs. 3(a), (e).)

Sec. 3. (a) Before a permit is issued the applicant for the same shall file with the State Department of Highways and Public Transportation a bond in an amount to be set and approved by the Department, payable to the Department and conditioned that the applicant will pay to the Department any damage that might be sustained to the highway by virtue of the operation of the equipment for which a permit is issued to operate, and venue of any suit for recovery upon said bond may be any court of competent jurisdiction in Travis County.

(e) The requirement of a bond contained in this section does not apply to the driving or transporting of farm equipment which is being used for agricultural purposes if it is driven or transported by or under the authority of the owner of the equipment. The bond requirement does apply to the delivery of farm equipment to a farm equipment dealer.

(1) Section 3(a), V.A.C.S. Article 6701a, provides that the bond shall be in an amount "set and approved" by the department. The revised law omits as unnecessary "approved" because if the department sets the amount of the bond, by implication it has approved
that amount.

(2) Section 3(a), V.A.C.S. Article 6701a, refers to a suit brought in "any court of competent jurisdiction." The revised law omits the quoted language as unnecessary because a suit may only be brought in a court, and the general laws of civil jurisdiction determine which courts have jurisdiction over the matter. For example, see Sections 24.007-24.011, Government Code, for the general jurisdiction of district courts.

Revised Law

Sec. 623.076. PERMIT FEE. (a) An application for a permit under this subchapter must be accompanied by a permit fee of:

(1) $30 for a single-trip permit;
(2) $60 for a permit that is valid for a period not exceeding 30 days;
(3) $90 for a permit that is valid for a period of 31 days or more but not exceeding 60 days;
(4) $120 for a permit that is valid for a period of 61 days or more but not exceeding 90 days; or
(5) $135 for a permit issued under Section 623.071(c).

(b) The Texas Transportation Commission may adopt rules for the payment of a fee under Subsection (a). The rules may:

(1) authorize the use of a credit card issued by:
(A) a financial institution chartered by a state or the United States; or
(B) a nationally recognized credit organization approved by the Texas Transportation Commission; and
(2) require the payment of a discount or service charge for a credit card payment in addition to the fee prescribed by Subsection (a). (V.A.C.S. Art. 6701a, Secs. 3(b), (c).)

Source Law

(b) There shall also accompany the application for permit a fee of $30 for single trip permits, $60
for time permits not exceeding a period of thirty (30)
days; $90 for time permits not exceeding a period of
sixty (60) days, $120 for time permits not exceeding a
period of ninety (90) days, or $135 for a permit issued
under Section 1-b of this Act, which fee shall be by
the Department deposited in the Treasury of the State
of Texas to the credit of the General Revenue Fund.

(c) The State Highway and Public Transportation
Commission may adopt rules regarding the method of
payment of a fee under Subsection (b) of this section.
The rules may authorize the use of a valid credit card
issued by a financial institution chartered by a state
or the federal government or by a nationally recognized
credit organization approved by the Commission. The
rules may require the payment of a discount or service
charge for a credit card payment, in addition to the
fee prescribed by Subsection (b) of this section.

Revisor's Note

(1) The revised law omits that portion of
Section 3(b), V.A.C.S. Article 6701a, that requires the
department to deposit the permit fee "in the Treasury
of the State of Texas to the credit of the General
Revenue Fund." Section 404.094, Government Code (State
Funds Reform Act), requires all money, including the
referenced fee, collected or received by a state agency
to be deposited to the credit of the general revenue
fund. It is unnecessary to repeat that requirement in
this chapter.

(2) Section 3(c), V.A.C.S. Article 6701a, refers
to the "State Highway and Public Transportation
Commission." The revised law substitutes "Texas
Transportation Commission" for "State Highway and
Public Transportation Commission" for the reason stated
in the revisor's note to Section 201.003 of this code.

(3) Section 3(c), V.A.C.S. Article 6701a, refers
to a "valid" credit card. The revised law omits
"valid" as unnecessary because an attempted payment
with an invalid credit card is not payment. For
example, a document purporting to be a credit card is
no longer a credit card if it is expired and is not a
credit card if it is a forgery.
Revised Law

Sec. 623.077. HIGHWAY MAINTENANCE FEE. (a) An applicant for a permit under this subchapter must also pay a highway maintenance fee in an amount determined according to the following table:

<table>
<thead>
<tr>
<th>Vehicle Weight in Pounds</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>80,001 to 120,000</td>
<td>$ 50</td>
</tr>
<tr>
<td>120,001 to 160,000</td>
<td>$ 75</td>
</tr>
<tr>
<td>160,001 to 200,000</td>
<td>$100</td>
</tr>
<tr>
<td>200,001 and above</td>
<td>$125</td>
</tr>
</tbody>
</table>

(b) The department shall send each fee collected under Subsection (a) to the state treasurer for deposit to the credit of the state highway fund. (V.A.C.S. Art. 6701a, Sec. 3(f).)

Source Law

(f)(1) In addition to the other requirements of this Act, each applicant for a permit shall pay a highway maintenance fee in an amount based on the table below:

<table>
<thead>
<tr>
<th>Weight Group In Pounds</th>
<th>Permit Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>80,001 to 120,000</td>
<td>$ 50</td>
</tr>
<tr>
<td>120,001 to 160,000</td>
<td>$ 75</td>
</tr>
<tr>
<td>160,001 to 200,000</td>
<td>$100</td>
</tr>
<tr>
<td>200,001 and above</td>
<td>$125</td>
</tr>
</tbody>
</table>

(2) The department shall remit the fees collected under this subsection to the treasurer for deposit in the State Highway Fund.

Revised Law

Sec. 623.078. VEHICLE SUPERVISION FEE. (a) Each applicant for a permit under this subchapter for a vehicle that is heavier than 200,000 pounds must also pay a vehicle supervision fee in an amount determined by the department and designed to recover the direct cost of providing safe transportation of the vehicle over the state highway system, including the cost of:

(1) bridge structural analysis;
(2) the monitoring of the trip process; and
(3) traffic control devices.

(b) The department shall send each fee collected under Subsection (a) to the state treasurer for deposit to the credit of
the state highway fund. (V.A.C.S. Art. 6701a, Sec. 3(g).)

Source Law

(g)(1) In addition to the other requirements of this Act, each applicant for a permit for a vehicle weighing in excess of 200,000 pounds shall pay a vehicle supervision fee in an amount determined by the department and designed to recover the direct cost of providing safe transportation of the vehicle over the state highway system, including the cost for bridge structural analysis, monitoring the process of the trip, and moving-traffic control devices.

(2) The department shall remit the fees collected under this subsection to the treasurer for deposit in the State Highway Fund.

Revised Law

Sec. 623.079. REGISTRATION OF EQUIPMENT. A permit under this subchapter may be issued only if the equipment to be operated under the permit is registered under Chapter 502 for maximum gross weight applicable to the vehicle under Section 621.101 that is not heavier than 80,000 pounds overall gross weight. (V.A.C.S. Art. 6701a, Sec. 3(d).)

Source Law

(d) As a further prerequisite to the issuance of any such permits, the equipment to be operated under such permit must have been registered under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), for maximum gross weight applicable to such vehicle under Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), not exceeding eighty thousand (80,000) pounds total gross weight.

Revisor's Note

(1) Section 3(d), V.A.C.S. Article 6701a, refers to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 502, and the revised law is drafted accordingly.
(2) Section 3(d), V.A.C.S. Article 6701a, refers to Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes).

That statute is codified in this code as Section 621.101, and the revised law is drafted accordingly.

Revised Law

Sec. 623.080. CONTENTS OF PERMIT. (a) Except as provided by Subsection (b), a permit under this subchapter must include:

(1) the name of the applicant;
(2) the date of issuance;
(3) the signature of the director of the department or of a division engineer;
(4) a statement of the kind of equipment to be transported over the highway, the weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; and
(5) a statement of any condition on which the permit is issued.

(b) A permit issued under Section 623.071(a) or (b) must also state each highway and the distance over which the equipment is to be transported. (V.A.C.S. Art. 6701a, Sec. 4.)

Source Law

Sec. 4. (a) Any permit provided for in Section 1 of this Act issued by the State Department of Highways and Public Transportation must include:

(1) the name of the applicant;
(2) the date of issuance;
(3) the signature of the State Engineer-Director for Highways and Public Transportation or of a division engineer;
(4) a statement of the kind of equipment to be transported over the highway, together with the weight and dimensions of the equipment and the kind and weight of the commodity to be transported;
(5) a statement of the highway and distance over which the equipment is to be transported; and
(6) a statement of any condition upon which the permit is issued.

(b) Subdivision (5) of Subsection (a) of this section does not apply to a permit issued under Section 1-b of this Act.
Revisor's Note

(1) Section 4(a), V.A.C.S. Article 6701a, sets out the requirements for a permit under Section 1 (codified in pertinent part in this code as Sections 623.071(a) and (b)). Section 4(b), V.A.C.S. Article 6701a, provides that Section 4(a)(5) does not apply to a permit issued under Section 1-b (codified in this code as Section 623.071(c)). Because Section 4(a) does not purport to set out the requirements for a permit under Section 1-b, this provision is surplusage unless Sections 4(a)(1), (2), (3), and (4) apply to a permit under Section 1-b. Accordingly, the revised law states the requisites of a permit without reference to a section number and further provides that a permit issued under Section 623.071(a) or (b) must also state each highway and the distance over which the equipment is to be transported.

(2) Section 4(a)(3), V.A.C.S. Article 6701a, refers to the "State Engineer-Director for Highways and Public Transportation." The revised law substitutes "director of the department" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 623.081. PERMIT ISSUED BY TELEPHONE. (a) The department shall provide for issuing a permit by telephone for the operation of an overweight or oversize motor vehicle over a state highway.

(b) The department shall issue a permit under this section for a period and at the rate provided by Section 623.076(a).

(c) An applicant for a permit under this section must provide by telephone to an agent designated by the department under Section 623.073:

(1) the information required for a permit issued under
Section 623.071(a) or (b), other than the applicant's signature; and

(2) the account number of a credit card approved by the department.

(d) On granting a permit under this section, the agent shall:

(1) issue to the applicant an approval number; and

(2) provide to the applicant the agent's name, designation, and office address.

(e) After receiving an approval number, the applicant shall prepare, on a form provided by the department, a permit with the information provided to the agent under Subsection (c) and the information received under Subsection (d).

(f) The applicant shall keep the permit in the vehicle for which the permit was issued until the day after the date the permit expires. (V.A.C.S. Art. 6701a, Sec. 5.)

Source Law

Sec. 5. (a) The State Department of Highways and Public Transportation shall provide for issuing permits by telephone for the movement of overweight and/or over-size motor vehicles on state highways.

(b) The department shall issue permits under this section for the periods and at the rates provided for other permits under Section 3 of this Act.

(c) A person who wishes to obtain a permit under this section must provide to an agent designated by the department under Section 1-a of this Act, by telephone, all information required for a permit issued under Section 1 of this Act, other than the applicant's signature, and a valid credit card account number approved by the department.

(d) On granting a permit under this section, the agent receiving an application under Subsection (c) of this section shall issue to the applicant an approval number. The agent shall provide to the applicant the agent's name, designation, and office address.

(e) After receiving an approval number, an applicant shall prepare, on a form provided by the department, a permit with the information provided to the agent under Subsection (c) of this section and the information received under Subsection (d) of this section. The applicant shall keep the permit in the vehicle for which the permit was issued until the day after the date the permit expires.
Revisor's Note

Section 5(c), V.A.C.S. Article 6701a, refers to a "valid" credit card account number. The revised law omits "valid" as unnecessary for the reason stated in Revisor's Note (3) to Section 623.076 of this code.

Revised Law

Sec. 623.082. PENALTIES. (a) A person commits an offense if the person violates this subchapter.

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:

(1) by a fine of not more than $200;

(2) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (1), by a fine of not more than $500, by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; or

(3) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (2) or this subdivision, by a fine of not more than $1,000, by confinement in the county jail for not more than six months, or by both the fine and the confinement.

(c) A corporation is not subject to confinement for an offense under this section, but two times the maximum fine provided for in the applicable subdivision of Subsection (b) may be imposed against the corporation.

(d) The judge shall report a conviction under this section to the Department of Public Safety. The Department of Public Safety shall keep a record of each conviction.

(e) If a corporation does not pay a fine assessed under this section, the district or county attorney for the county in which the conviction was obtained may file suit to collect the fine.

(V.A.C.S. Art. 6701a, Sec. 7.)
Sec. 7. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, or receiver who operates a motor vehicle in violation of any provision of this Act shall, upon conviction, be punished by a fine of not more than $200; for a second conviction within one (1) year thereafter, such person, corporation, or receiver shall be punished by a fine of not more than $500, by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the second conviction, such person, corporation, or receiver shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fines herein provided for may be imposed against them in lieu of imprisonment.

(c) The judge shall report any convictions under Subsection (b) of this section to the Department of Public Safety. The department shall keep a record of each conviction.

(d) If a corporation does not pay a fine assessed under Subsection (b) of this section, the district or county attorney for the county in which the conviction was obtained may file suit to collect the fine in a court of competent jurisdiction.

Revisor's Note

(1) Section 7(b), V.A.C.S. Article 6701a, refers to a "person, corporation, or receiver." The references to "corporation" and "receiver" are omitted from the revised law because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

(2) Section 7(d), V.A.C.S. Article 6701a, refers to a suit brought "in a court of competent jurisdiction." The revised law omits the quoted language as unnecessary because a suit may only be brought in a court, and the general laws of civil jurisdiction determine which courts have jurisdiction over the matter. For example, see Sections 24.007-24.011, Government Code, for the general jurisdiction of district courts.
SUBCHAPTER E. MANUFACTURED AND INDUSTRIALIZED HOUSING

Revised Law

Sec. 623.091. DEFINITION. In this subchapter, "manufactured house" means "industrialized building" as defined by Article 5221f-1, Revised Statutes, "industrialized housing" as defined by Article 5221f-1, Revised Statutes, or "manufactured home" as defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes). The term includes a temporary chassis system or returnable undercarriage used for the transportation of a manufactured house and a transportable section of a manufactured house that is transported on a chassis system or returnable undercarriage and that is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for a motor vehicle. (V.A.C.S. Art. 6701-1/2, Sec. A (part).)

Source Law

Art. 6701-1/2. A. Manufactured housing as defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) and industrialized housing or buildings as defined in Article 5221f-1, Revised Statutes . . . . For purposes of this article, the terms "manufactured housing" and "manufactured home" also mean and refer to industrialized housing or buildings and include temporary chassis systems and returnable undercarriages used for the transportation of the home or building; the terms also refer to a transportable section which is transported on a chassis system or returnable undercarriage and which is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for motor vehicles.

Revised Law

Sec. 623.092. PERMIT REQUIREMENT. (a) A manufactured house in excess of legal size limits for a motor vehicle may not be moved over a highway, road, or street in this state except in accordance with a permit issued by the department.
(b) A county or municipality may not require a permit, bond, fee, or license for the movement of a manufactured house in addition to that required by state law. (V.A.C.S. Art. 6701-1/2, Sec. A (part).)

Source Law

Art. 6701-1/2. A. Manufactured housing . . . and industrialized housing or buildings . . . which is in excess of legal size limits for motor vehicles as defined by law shall not be moved over the highways, roads, and streets in this state except in accordance with permits issued by the State Department of Highways and Public Transportation. . . . however, no additional permit, bond, fee, or license other than required by state law may be required by any county or municipality. . . .

Revised Law

Sec. 623.093. CONTENTS OF APPLICATION AND PERMIT. (a) The application for a permit and the permit must be in the form prescribed by the department. The permit must show:

(1) the length, width, and height of the manufactured house and the towing vehicle in combination; and

(2) the route for the transportation of the manufactured house.

(b) The length of the manufactured house and the towing vehicle in combination includes the length of the hitch or towing device. The height is measured from the roadbed to the highest elevation of the manufactured house. The width of the house or section includes any roof or eave extension or overhang on either side.

(c) The route must be the shortest distance from the place where the transportation begins in this state to the place where the transportation ends in this state and include divided and interstate systems, except where construction is in progress or bridge or overpass width or height creates a safety hazard. A county or municipality may designate to the department the route to be used inside the territory of the county or municipality.

(V.A.C.S. Art. 6701-1/2, Secs. A (part), B.)
A. . . . Counties and municipalities may designate to said department the routes to be used within the limits of their jurisdiction . . . .

B. (1) The application for a permit and the permit shall be in the form as prescribed by the State Department of Highways and Public Transportation; however, the permit must contain the overall length, width, and height of the manufactured home and the towing vehicle in combination. The overall combined length of the manufactured home and the towing vehicle shall include the length of the hitch or towing device. The height shall be measured from the roadbed to the highest elevation of the manufactured home. The width of the home or section shall include any roof or eave extension or overhang on either side.

(2) The permit shall contain the route for the transportation of the manufactured home from the point of origin to the point of destination. The route shall be the shortest distance including divided and interstate systems, except where construction is in progress or bridge or overpass width or height would create a safety hazard.

Sec. 623.094. MANUFACTURER'S, RETAILER'S, AND TRANSPORTER'S PERMIT. (a) Except as authorized by Section 623.095, the department may issue a permit only to a person:

(1) registered as a manufacturer or retailer with the commissioner of licensing and regulation; or

(2) certificated for the transportation of a manufactured house by the Railroad Commission of Texas or the Interstate Commerce Commission.

(b) The registration number or the certificate number of the person to whom the permit is issued shall be affixed to the rear of the manufactured house during transportation and have letters and numbers that are at least eight inches high. (V.A.C.S. Art. 6701-1/2, Sec. C(1).)

C. (1) The State Department of Highways and Public Transportation shall only issue permits to persons registered as manufacturers or retailers with the commissioner of licensing and regulation or certificated for the transportation of manufactured housing by the Railroad Commission of Texas or the Interstate Commerce Commission except as otherwise expressly authorized by this section. The registration number or the certificate number of the person to whom the permit is issued shall be affixed to the rear of the manufactured home during transportation with
The State Department of Highways and Public Transportation may issue single trip permits to owners of manufactured homes provided that the ownership of the manufactured home and of the towing vehicle is shown to be the same person by the title to the home and to the towing vehicle or that a lease duly filed pursuant to Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-1, Vernon's Texas Civil Statutes), shows the owner of the manufactured home to be the lessee of the towing vehicle. Single trip permits may also be issued to installers registered with the Texas Department of Labor and Standards for the transportation of manufactured homes over routes between points when such transportation would be excluded from regulation under Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes). The owner or installer must have proof of insurance coverage in force as required in Section H of this article.
Revisor's Note

(1) Section C(2), V.A.C.S. Article 6701-1/2, refers to a lease "duly" filed. The revised law omits "duly" because the word does not add to the clear meaning of the law.

(2) Section C(2), V.A.C.S. Article 6701-1/2, refers to Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-1, Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 641, and the revised law is drafted accordingly.

(3) Section C(2), V.A.C.S. Article 6701-1/2, refers to Section H, V.A.C.S. Article 6701-1/2. The pertinent part of that statute is codified in this code as Section 623.103, and the revised law is drafted accordingly.

(4) Section C(2), V.A.C.S. Article 6701-1/2, refers to the Texas Department of Labor and Standards. The name of that department was changed to the "Texas Department of Licensing and Regulation" by Section 6.03, Chapter 1039, Acts of the 71st Legislature, Regular Session, 1989. The revised law is drafted accordingly.

Revised Law

Sec. 623.096. PERMIT FEE. (a) The department shall collect a fee of $15 for each permit issued under this subchapter.

(b) On application, the department shall issue a permit book or packet containing 20 permits if the $15 fee for each permit in the book or packet is received with the application.

(c) A permit in a book or packet may be used for the movement of a manufactured house regardless of the manufactured house's width, length, or height. The route approval and any required validation number for the permit may be secured from the
issuing office by telephone communication.

(d) In lieu of issuing a permit book or packet, the department may establish an escrow account for the payment of permit fees. (V.A.C.S. Art. 6701-1/2, Sec. D.)

Source Law

D. A fee of Fifteen Dollars ($15) for each permit shall be collected by the State Department of Highways and Public Transportation and deposited in the Treasury of the State of Texas to the credit of the General Revenue Fund. On application said department shall issue permit books or packets containing twenty (20) individual permits provided that the aggregate fee of Fifteen Dollars ($15) per permit is received with such application. The book-type permit can be used for the movement of any manufactured home regardless of width, length, or height, and route approval can be secured by telephone from the issuing office along with any required validation number for the permit. In lieu of the permit books or packets, said department may establish an escrow account for the payment of permit fees.

Revisor's Note

The revised law omits that portion of Section D, V.A.C.S. Article 6701-1/2, that provides that the State Department of Highways and Public Transportation (now the Texas Department of Transportation) shall deposit the permit fee "in the Treasury of the State of Texas to the credit of the General Revenue Fund" for the reason stated in Revisor's Note (1) to Section 623.076 of this code.

Revised Law

Sec. 623.097. DURATION OF PERMIT. A permit is valid for a five-day period. (V.A.C.S. Art. 6701-1/2, Sec. F.)

Source Law

F. A permit shall be valid for a period of five days.

Revised Law

Sec. 623.098. CAUTION LIGHTS. (a) A manufactured house that is wider than 12 feet must have one rotating amber beacon of
not less than eight inches mounted at the rear of the manufactured house on the roof. In addition, the towing vehicle must have one rotating amber beacon of not less than eight inches mounted on top of the cab.

(b) Each beacon shall be operated during a move under a permit and while on a highway, road, or street in this state.

(V.A.C.S. Art. 6701-1/2, Sec. E(1).)

Source Law

E. (1) All manufactured homes which exceed twelve (12) feet in total width shall have one rotating amber beacon of not less than eight (8) inches mounted somewhere on the roof at the rear of the manufactured home. In addition the towing vehicle shall have one rotating amber beacon of not less than eight (8) inches mounted on top of the cab. These beacons shall be operational during any permitted move over the highways, roads, and streets of this state.

Revised Law

Sec. 623.099. ESCORT FLAG VEHICLE. (a) A manufactured house that is wider than 16 feet, but is not wider than 18 feet, must have one escort flag vehicle that must:

(1) precede the house on a two-lane roadway; or

(2) follow the house on a roadway of four or more lanes.

(b) A manufactured house that is wider than 18 feet must be preceded and followed by escort flag vehicles while moving over a highway, road, or street in this state.

(c) An escort flag vehicle must have:

(1) on top of the vehicle and visible from the front and rear:

(A) two lights flashing simultaneously; or

(B) one rotating amber beacon of not less than eight inches;

(2) four red 16-inch square flags mounted on the four corners of the vehicle so that one flag is on each corner; and

(3) signs that:

(A) are mounted on the front and rear of the

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vehicle; and

(B) have a yellow background and black letters
at least eight inches high stating "wide load."

(d) Two transportable sections of a multisection
manufactured house or two single-section manufactured houses towed
in convoy are considered one house for purposes of the escort flag
vehicle requirements of this section if the distance between the
two does not exceed 1,000 feet.

(e) The department shall publish and annually revise a map
or list of the bridges or overpasses that because of height or
width require an escort flag vehicle to stop oncoming traffic while
a manufactured house crosses the bridge or overpass.

(f) An escort flag vehicle may not be required except as
expressly provided by this section. (V.A.C.S. Art. 6701-1/2, Secs.
E(2), (3), (4), (5), (6), (7).)

Source Law

(2) All manufactured homes which exceed
sixteen (16) feet, but are not more than eighteen (18)
feet, in total width shall have one escort flag vehicle
which shall precede the home on two-lane roadways and
shall follow the home on roadways of four or more
lanes.

(3) All manufactured homes which exceed
eighteen (18) feet in total width shall be both
preceded and followed by an escort flag vehicle during
any movement over the highways, roads, and streets of
this state.

(4) Escort flag vehicles shall have two
simultaneous flashing lights or shall have one rotating
amber beacon of not less than eight (8) inches on top
of the vehicle, which shall be visible from both front
and rear, shall have one red sixteen (16) inch square
flag mounted on each of the four corners of the
vehicle, and shall have a "wide load" sign mounted on
the front and rear of the vehicle; the sign shall have
a yellow background with black letters at least eight
(8) inches in height.

(5) Two transportable sections of a
multisection manufactured home, or two single section
manufactured homes, when towed together in convoy shall
be considered one home for purposes of the escort flag
vehicle requirements of this article, provided the
distance between the two units does not exceed one
thousand (1,000) feet.

(6) The State Department of Highways and
Public Transportation shall publish a map or a list
updated annually of all bridges or overpasses which due
to height or width require an escort flag vehicle to
stop oncoming traffic while the manufactured home
crosses the bridge or overpass.

(7) No escort flag vehicles may be
required except as expressly authorized in this section.

Revised Law

Sec. 623.100. TIMES AND DAYS OF MOVEMENT. (a) Movement authorized by a permit issued under this subchapter may be made on any day, except a national holiday, but shall be made only during daylight hours.

(b) The department may limit the hours for travel on certain routes because of heavy traffic conditions.

(c) The department shall publish the limitation on movements prescribed by this section and the limitations adopted under Subsection (b) and shall make the publications available to the public. Each limitation adopted by the department must be made available to the public before it takes effect. (V.A.C.S. Art. 6701-1/2, Sec. G.)

Source Law

G. Movements authorized by the permits shall be made during daylight hours only and may be made on any day except national holidays. The State Department of Highways and Public Transportation may also limit the hours for travel on certain routes because of heavy traffic conditions; the department shall publish any limitations on movements during national holidays or any limitations during certain hours of heavy traffic conditions and make such publications available to the public prior to the limitations becoming effective.

Revised Law

Sec. 623.101. SPEED LIMIT. A manufactured house may not be towed in excess of the posted speed limit or 55 miles per hour, whichever is less. (V.A.C.S. Art. 6701-1/2, Sec. H(1)).

Source Law

H. (1) A manufactured home shall not be towed in excess of posted speed limits or fifty-five (55) miles per hour, whichever is less.

Revised Law

Sec. 623.102. EQUIPMENT. (a) The brakes on a towing vehicle and a manufactured house must be capable of stopping the
vehicle and house from an initial velocity of 20 miles per hour in
not more than 40 feet.

(b) Each manufactured house must be equipped during
transportation over a roadway with a wiring harness to provide on
the rear of the house:

(1) right-turn and left-turn signal lights;
(2) braking or stopping lights; and
(3) parking lights. (V.A.C.S. Art. 6701-1/2, Secs. H(2), (3).)

Source Law

(2) Brakes on the towing vehicle and the
manufactured home, temporary chassis system, or
returnable undercarriage shall be capable of assuring
that the maximum stopping distance from an initial
velocity of twenty (20) miles per hour does not exceed
forty (40) feet.

(3) Each manufactured home shall be
equipped with a light-wiring harness during
transportation over the roadways to provide right and
left turn signal lights and braking or stopping lights
and parking lights on the rear of the home.

Revised Law

Sec. 623.103. LIABILITY INSURANCE. A vehicle towing a
manufactured house shall be covered by liability insurance of not
less than $300,000 combined single limit. (V.A.C.S. Art. 6701-1/2,
Sec. H(4).)

Source Law

(4) The towing vehicle shall be covered by
liability insurance of not less than Three Hundred
Thousand Dollars ($300,000) combined single limit.

Revised Law

Sec. 623.104. CIVIL AND CRIMINAL PENALTIES. (a) A person
commits an offense if the person violates this subchapter. An
offense under this subsection is a Class C misdemeanor.

(b) A person convicted of an offense under Subsection (a)
may also be assessed a civil penalty of not less than $200 or more
than $500 for failure to:

(1) obtain a permit;
(2) have a required rotating amber beacon on the manufactured house or towing vehicle;

(3) provide a required escort flag vehicle; or

(4) have the required insurance.

(c) The civil penalty:

(1) may be awarded by a court having jurisdiction over a Class C misdemeanor; and

(2) shall be paid to the county in which the person was convicted. (V.A.C.S. Art. 6701-1/2, Sec. I.)

Source Law

I. (1) Any person who violates any provision of this article is guilty of a Class C misdemeanor.

(2) Any person found guilty of violating the provisions of this article may also be assessed a civil penalty of not less than Two Hundred Dollars ($200) nor more than Five Hundred Dollars ($500) for each of the following violations:

(a) failure to obtain a permit; or

(b) failure to have the required rotating amber beacons on the manufactured home or towing vehicle; or

(c) failure to provide the escort flag cars as required; or

(d) failure to have the required insurance coverage. The civil penalty may be awarded by the court having jurisdiction over Class C misdemeanors and shall be paid to the county in which the person was found guilty.

[Sections 623.105-623.120 reserved for expansion]

SUBCHAPTER F. PORTABLE BUILDING UNITS

Revised Law

Sec. 623.121. PERMIT TO MOVE PORTABLE BUILDING UNIT. (a)

The department may issue a permit to a person to operate equipment to move over a state highway one or more portable building units that in combination with the towing vehicle are in excess of:

(1) the length or width limitations provided by law; or

(2) 80 feet in length.

(b) The length limitation in this section does not apply to a truck-tractor or truck-tractor combination towing or carrying the portable building units. (V.A.C.S. Art. 6701a-2, Sec.
Art. 6701a-2. A. When any person, firm, or corporation shall desire to move over a state highway one or more portable building units which in combination with the towing vehicle are in excess of the legal length or width provided by law, the State Department of Highways and Public Transportation may, upon application, issue a permit for the movement of said equipment; provided, however, that the combined length of such portable building unit or units and the towing vehicle shall not exceed 80 feet. The length limitation in this section does not apply to a truck-tractor or truck-tractor combination towing or carrying the portable building units.

Revisor's Note
Section A, V.A.C.S. Article 6701a-2, refers to a "person, firm, or corporation." The revised law refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

Revised Law
Sec. 623.122. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory shall designate to the department the route in the municipality to be used by equipment described by Section 623.121 moving over the state highway. The department shall show the designated route on each map routing the equipment.

(b) If a municipality does not designate a route, the department shall determine the route to be used by the equipment on the state highway within the municipality.

(c) A municipality may not require a fee or license for movement of a portable building unit on the route of a state highway designated by the department or the municipality.

Source Law
A. . . . Provided further that all cities and towns having a state highway within their limits shall
designate to the State Department of Highways and Public Transportation the route within the city or town to be used by said equipment moving over the state highways. When so designated, the route shall be shown on said maps routing said equipment by the state highway department. In the event a route is not so designated by a city or town, the state highway department shall determine the route on the state highway for equipment within such cities or towns. No fee or license shall be required by any city or town for movement of said portable building units on the route of a state highway designated by the state highway department or on said special route designated by a city or town.

Revisor's Note

(1) Section A, V.A.C.S. Article 6701a-2, refers to "cities and towns." The revised law substitutes "municipality" for "cities and towns" because that is the term used in the Local Government Code.

(2) The revised law omits the designation of a route designated by a city or town as special because that designation is unnecessary. The designation of a route as a special route has no legal effect.

Revised Law

Sec. 623.123. APPLICATION. The application for a permit under Section 623.121 must:

(1) be in writing;
(2) state the make and model of the portable building unit or units;
(3) state the length and width of the portable building unit or units;
(4) state the make and model of the towing vehicle;
(5) state the length and width of the towing vehicle;
(6) state the length and width of the combined portable building unit or units and towing vehicle;
(7) state each highway over which the portable building unit or units are to be moved;
(8) indicate the point of origin and destination; and
(9) be dated and signed by the applicant. (V.A.C.S.
B. The application for a permit as provided for in this article shall be in writing and contain the following:

1. the make and model of the portable building unit or units, the overall length and width, the make and model of the towing vehicle, the length and width of the towing vehicle, and the overall length and width of the combined portable building unit or units and towing vehicle;
2. the highway or highways over which the same is to be moved, indicating the point of origin and destination;
3. the date and signature of the applicant.

D. There shall also accompany the application for permit a fee of $7.50, which fee shall be deposited by the department in the State Treasury to the credit of the General Revenue Fund.

C. The special permits shall be issued by the highway department through the agent or agents in each county designated for that purpose as set out in Section 1-a, Article 6701a of this title.
Revisor's Note

(1) The revised law omits the designation of a permit as special because that designation is unnecessary. The designation of a permit as a special permit has no legal effect.

(2) Section C, V.A.C.S. Article 6701a-2, refers to Section 1-a, V.A.C.S. Article 6701a. That statute is codified in this code as Section 623.073, and the revised law is drafted accordingly.

Revised Law

Sec. 623.126. FORM OF PERMIT. (a) A permit issued under this subchapter must:

1. contain the name of the applicant;
2. be dated and signed by the director of the department, a division engineer, or a designated agent;
3. state the make and model of the portable building unit or units to be transported over the highways;
4. state the make and model of the towing vehicle;
5. state the combined length and width of the portable building unit or units and towing vehicle;
6. state each highway over which the portable building unit or units are to be moved.

(b) A permit is valid if it is substantially in the form provided by this section. (V.A.C.S. Art. 6701a-2, Sec. E.)

Source Law

E. Permits issued by the state highway department as provided for under this article shall be substantially in the following form:

1. Permits shall contain the name of the applicant and shall be dated and signed by the State Engineer-Director for Highways and Public Transportation, a division engineer, or a designated agent.
2. Permits shall state the make and model of the portable building unit or units to be transported over the highways, the make and model of the towing vehicle, and the combined overall length and width of the portable building unit or units and towing vehicle.
3. Permits shall state the highway or highways over which the same is to be moved.
Revisor's Note

Section E, V.A.C.S. Article 6701a-2, refers to the "State Engineer-Director for Highways and Public Transportation." The revised law substitutes "director of the department" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 623.127. DURATION OF PERMIT. A permit issued under this subchapter is effective for a 10-day period and valid only for a single continuous movement. (V.A.C.S. Art. 6701a-2, Sec. F.)

Source Law

F. Said special permits shall be good for a period of 10 days and valid only for a single continuous movement.

Revisor's Note

The revised law omits the designation of a permit as special because that designation is unnecessary. The designation of a permit as a special permit has no legal effect.

Revised Law

Sec. 623.128. TIME OF MOVEMENT. Movement authorized by a permit issued under this subchapter shall be made only during daylight hours. (V.A.C.S. Art. 6701a-2, Sec. G.)

Source Law

G. Movements authorized by said special permits shall be made during daylight hours only.

Revisor's Note

The revised law omits the designation of a permit as special because that designation is unnecessary. The designation of a permit as a special permit has no legal effect.

[Sections 623.129-623.140 reserved for expansion]
SUBCHAPTER G. OIL WELL SERVICING AND DRILLING MACHINERY

Revised Law
Sec. 623.141. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of oversize or overweight oil well servicing or oil well drilling machinery and equipment. (V.A.C.S. Art. 6701d-16, Sec. 1 (part).)

Source Law
Sec. 1. ... it being the express intent of this Act to provide an optional procedure for the issuance of permits for the movement of oversize or overweight oil well servicing and/or oil well drilling machinery and equipment.

Revised Law
Sec. 623.142. PERMIT TO MOVE OIL WELL SERVICING OR DRILLING MACHINERY. (a) The department may, on application, issue a permit for the movement over a road or highway under the jurisdiction of the department of a vehicle that:

(1) is a piece of fixed-load mobile machinery or equipment used to service, clean out, or drill an oil well; and

(2) cannot comply with the restrictions set out in Subchapter C of Chapter 621 and 621.101.

(b) The department may not issue a permit under this section unless the vehicle may be moved without material damage to the highway or serious inconvenience to highway traffic. (V.A.C.S. Art. 6701d-16, Sec. 2 (part).)

Source Law
Sec. 2. When any person, firm or corporation, desires to operate over any road or highway under the jurisdiction of the State Highway Department any vehicle which is a piece of fixed load mobile machinery or equipment used for the purpose of servicing, cleaning out, or drilling oil wells, and when such vehicle cannot comply with one or more of the restrictions set out in Sections 3 and 5 of Acts 1929, 41st Legislature, 2nd Called Session, Chapter 42, page 72, as amended (Article 827a, Vernon's Annotated Penal Code), the State Highway Department may, as an alternative to any other procedure authorized by law, upon application, issue a permit for the movement of such vehicle, when the Department is of the opinion that the same may be moved without material damage to the highway or serious inconvenience to highway
Reviser's Note

(1) Section 2, V.A.C.S. Article 6701d-16, refers to a "person, firm or corporation." The revised law refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

(2) Section 2, V.A.C.S. Article 6701d-16, refers to "Sections 3 and 5 of Acts 1929, 41st Legislature, 2nd Called Session, Chapter 42, page 72, as amended (Article 827a, Vernon's Annotated Penal Code)." Those statutes were transferred to Sections 3 and 5, V.A.C.S. Article 6701d-11, respectively, by Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973. Those statutes are codified in this code as Subchapter C of Chapter 621 and 621.101, respectively, and the revised law is drafted accordingly.

Revised Law

Sec. 623.143. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory may designate to the department the route in the municipality to be used by a vehicle described by Section 623.142 operating over the state highway. When the route is designated, the department shall show the route on each map routing the vehicles.

(b) If a municipality does not designate a route, the department shall determine the route to be used by a vehicle on a state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of vehicles on the route of a state highway designated by the municipality or department. (V.A.C.S. Art. 6701d-16, Sec. 2 (part).)
Sec. 2. . . . Provided, however, that all cities and towns having a state highway within their limits may designate to the State Highway Department the route within the city or town to be used by said vehicles operating over the state highway. When so designated, the route shall be shown on all maps routing said vehicles by the State Highway Department. In the event a route is not so designated by a city or town, the State Highway Department shall determine the route on state highways for such vehicles within cities or towns. No fee, permit or license shall be required by any city or town for movement of said vehicles on the route of a state highway designated by the State Highway Department or on said special route designated by a city or town.

Revisor's Note

(1) Section 2, V.A.C.S. Article 6701d-16, refers to a "city or town." The revised law substitutes "municipality" for "city or town" because that is the term used in the Local Government Code.

(2) The revised law omits the designation of a route designated by a city or town as special because that designation is unnecessary. The designation of a route as a special route has no legal effect.

Revised Law

Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.276 if applicable to the vehicle.

(V.A.C.S. Art. 6701d-16, Sec. 3.)

Source Law

Sec. 3. Prior to issuing any permit for the movement of such vehicles, said vehicles must have been registered under Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 88, as amended (Article 6675a, Vernon's Annotated Civil Statutes) for the maximum gross weight applicable to such vehicles under Section 5, Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 42, page 72, as amended (Article 827a, Vernon's Penal Code), or shall have the distinguishing license plates as provided in Paragraph (c) of Section 2, Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 88, as added by Acts, 1961, 57th Legislature, Regular Session, Chapter 259, page 554, as amended if
applicable to said vehicles.

Revisor's Note

(1) Section 3, V.A.C.S. Article 6701d-16, refers to "Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 88, as amended (Article 6675a, Vernon's Annotated Civil Statutes)." The reference is incorrect. The statute should have referred to V.A.C.S. Article 6675a-1 et seq. That statute is codified in this code as Chapter 502, and the revised law is drafted accordingly.

(2) Section 3, V.A.C.S. Article 6701d-16, refers to "Section 5, Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 42, page 72, as amended (Article 827a, Vernon's Penal Code)." That statute was transferred to Section 5, V.A.C.S. Article 6701d-11, by Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973. That statute is codified in this code as Section 621.101, and the revised law is drafted accordingly.

(3) Section 3, V.A.C.S. Article 6701d-16, refers to "Paragraph (c) of Section 2, Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 88, as added by Acts, 1961, 57th Legislature, Regular Session, Chapter 259, page 554, as amended." Section (c), V.A.C.S. Article 6675a-2, is codified in this code as Section 502.276, and the revised law is drafted accordingly.

Revised Law

Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The Texas Transportation Commission by rule shall provide for the issuance of permits under this subchapter. The rules must include each matter the commission determines necessary to implement this subchapter and:

(1) requirements for forms and procedures used in
applying for a permit;
(2) conditions with regard to route and time of movement;
(3) requirements for flags, flaggers, and warning devices;
(4) the fee for a permit; and
(5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the commission shall consider and be guided by:
(1) the state's investment in its highway system;
(2) the safety and convenience of the general traveling public;
(3) the registration or license fee paid on the vehicle for which the permit is requested;
(4) the fees paid by vehicles operating within legal limits;
(5) the suitability of roadways and subgrades on the various classes of highways of the system;
(6) the variation in soil grade prevalent in the different regions of the state;
(7) the seasonal effects on highway load capacity;
(8) the highway shoulder design and other highway geometrics;
(9) the load capacity of the highway bridges;
(10) administrative costs;
(11) added wear on highways; and
(12) compensation to highway users for inconvenience and loss of time. (V.A.C.S. Art. 6701d-16, Sec. 4 (part).)

Source Law
Sec. 4. The State Highway Commission shall formulate rules and regulations regarding the issuance of such permits including, but not limited to, the forms and procedures to be used in applying for same; conditions with regard to route and time of movement.
and special requirements as to flags, flagmen and warning devices . . . whether a particular permit shall be for one trip only, or for a period of time to be established by the Commission; and such other matters as the Commission may deem necessary to carry out the provisions of the Act.

. . . it is logical and proper that the fees to be charged for special transportation permit be sufficient to provide that the permittee pay the administrative costs incurred in the processing and issuing of the permits, pay for the added wear on the highways in proportion to the reduction of service life, and for the special privilege of transporting a more hazardous load over the highways thus compensating for the economic loss to the operators of vehicles in regular operation due to necessary delays and inconveniences occasioned by these types of vehicle movements. . . . in formulating such rules and regulations and in establishing such fees, the Commission shall consider and be guided by:

a. The state's investment in its highway system;
b. The safety and convenience of the general traveling public;
c. The amount of registration or license fee previously paid on the vehicle for which the permit is desired, and the amount of such fees paid by vehicles operating within legal limits; and
d. The suitability of roadways and sub-grades on the various classes of highways of the system, variation in soil grade prevalent in the different regions of the state and the seasonal effects on highway load capacity as well as the highway shoulder design and other highway geometrics and the load capacity of the highway bridges.

Revisor's Note

(1) Section 4, V.A.C.S. Article 6701d-16, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 4, V.A.C.S. Article 6701d-16, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

(3) Section 4, V.A.C.S. Article 6701d-16, refers to "including, but not limited to." "[B]ut not limited
"to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(4) The revised law deletes the designation of requirements regarding flags, flagmen, and warning devices as special because that designation is unnecessary. The designation of a requirement as a special requirement has no legal effect.

(5) The revised law omits as unnecessary that portion of the source law that states the purpose of that law. The operative sections of the revised law clearly indicate what the law is intended to accomplish. The omitted law reads:

Sec. 4. . . .
It is recognized that the movement of such overweight and oversize vehicles is a privilege not accorded to every user of the highway system, and . . . . It is, therefore, declared to be the policy of the Legislature that . . . .

Revised Law
Sec. 623.146. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the commission or with a condition placed on the permit, and immediately on the violation, further movement over the highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway. (V.A.C.S. Art. 6701d-16, Sec. 4 (part)).

Source Law
Sec. 4. . . . The failure of an owner or his representative to comply with any rule or regulation of the Commission or with any condition placed on his permit shall render the permit void and, immediately upon such violation, any further movement over the highways of the oversize or overweight vehicles, shall be in violation of existing laws regulating the size and weight of vehicles on public highways. . . .
Sec. 623.147. DEPOSIT OF FEE IN STATE HIGHWAY FUND. A fee collected under this subchapter shall be deposited to the credit of the state highway fund. (V.A.C.S. Art. 6701d-16, Sec. 4 (part).)

Sec. 6.147. DEPOSIT OF FEE IN STATE HIGHWAY FUND. A fee collected under this subchapter shall be deposited to the credit of the state highway fund. (V.A.C.S. Art. 6701d-16, Sec. 4 (part).)

Sec. 6.148. LIABILITY FOR DAMAGE TO HIGHWAYS. (a) By issuing a permit under this subchapter, the department does not guarantee that a highway can safely accommodate the movement. (b) The owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances. (V.A.C.S. Art. 6701d-16, Sec. 5.)

Sec. 6.148. LIABILITY FOR DAMAGE TO HIGHWAYS. (a) By issuing a permit under this subchapter, the department does not guarantee that a highway can safely accommodate the movement. (b) The owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances. (V.A.C.S. Art. 6701d-16, Sec. 5.)

Sec. 6.149. DETERMINATION WHETHER VEHICLE SUBJECT TO REGISTRATION OR ELIGIBLE FOR DISTINGUISHING LICENSE PLATE. (a) The department may establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.276. (b) Notwithstanding Subsection (a), a vehicle authorized by the department before August 22, 1963, to operate without registration under Chapter 502 may not be required to register under that chapter.
(c) In this section, "oil well servicing, oil well clean
out, or oil well drilling machinery or equipment" means a vehicle
constructed as a machine used solely for servicing, cleaning out,
or drilling an oil well and consisting in general of a mast, an
engine for power, a draw works, and a chassis permanently
constructed or assembled for one or more of those purposes.

(V.A.C.S. Art. 6701d-16, Sec. 6.)

Source Law

Sec. 6. With respect to oil well servicing, oil
well clean out, and/or oil well drilling machinery or
equipment, the State Highway Department may, if
determined by it to be necessary or expedient for the
proper administration of the laws of this state
regarding the registration and licensing of motor
vehicles, establish criteria for determining whether a
vehicle of the specific type described in this Section
is subject to registration under Article 6675a, Revised
Civil Statutes, or eligible for the distinguishing
license plate provided for in Paragraph (c) of Section
2, Acts 1929, as added by Acts of 1961, 57th
Legislature, Chapter 259, page 554, as amended, and on
the basis of such criteria, said Department is
authorized to determine whether such vehicle is or is
not subject to registration under Article 6675a.
Provided, however, that no vehicle heretofore
authorized by the State Highway Department to operate
without registration under the provisions of Article
6675a shall hereafter be required to register under the
provisions thereof. For all purposes under this
Section 6 of this Act, oil well servicing, oil well
clean out and oil well drilling machinery or equipment
shall mean only those vehicles constructed as a machine
used solely for servicing, cleaning out, and/or
drilling oil wells, and consisting in general of a
mast, an engine for power, a draw works and a chassis
permanently constructed or assembled for such purpose
or purposes.

Revisor's Note

(1) Section 6, V.A.C.S. Article 6701d-16, refers
to Article 6675a, Revised Civil Statutes. The
reference is incorrect. The statute should have
referred to V.A.C.S. Article 6675a-1 et seq. That
statute is codified in this code as Chapter 502, and
the revised law is drafted accordingly.

(2) Section 6, V.A.C.S. Article 6701d-16, refers
to Paragraph (c) of Section 2, Acts 1929, as added by
Acts of 1961, 57th Legislature, Chapter 259, page 554,
as amended. Section (c), V.A.C.S. Article 6675a-2, is codified in this code as Section 502.276, and the revised law is drafted accordingly.

(3) Section 6, V.A.C.S. Article 6701d-16, refers to a vehicle "heretofore" authorized to operate without registration. That statute took effect August 22, 1963. Accordingly, the revised law refers to a vehicle authorized before August 22, 1963, to operate without registration.

Revised Law

Sec. 623.150. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, even if not all the operations of the person are performed under the certificate, permit, or authority granted by that commission. (V.A.C.S. Art. 6701d-16, Sec. 7.)

Source Law

Sec. 7. Nothing in this Act shall be construed to include or apply to any person, firm or corporation authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, whether or not all the operations of such person, firm or corporation are performed under such certificate, permit or authority granted by the Commission.

Reviser's Note

Section 7, V.A.C.S. Article 6701d-16, refers to a "person, firm or corporation." The references to "firm" and "corporation" are omitted from the revised law because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."
The revised law omits as unnecessary that part of Section 1, V.A.C.S. Article 6701d-16, relating to the cumulative effect of that article. An accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless it provides otherwise or unless the statutes are in conflict. The general principle applies to this revision. The omitted law reads:

Art. 6701d-16
Sec. 1. The provisions of this Act shall be cumulative of all other laws regulating the operation of vehicles and the movement of machinery on the highways of this state . . . .

[Sections 623.151-623.160 reserved for expansion]

SUBCHAPTER H. VEHICLES TRANSPORTING SOLID WASTE

Revised Law
Sec. 623.161. DEFINITION. In this subchapter, "solid waste" has the meaning assigned by Chapter 361, Health and Safety Code, except that it does not include hazardous waste. (V.A.C.S. Art. 6701d-19a, Sec. 1 (part).)

Source Law
Sec. 1. . . . solid waste (except hazardous waste), as defined in Chapter 361, Health and Safety Code . . . .

Revised Law
Sec. 623.162. AXLE-LOAD RESTRICTIONS. A vehicle used exclusively to transport solid waste may be operated on a public highway of this state only if the tandem axle load is not heavier
than 44,000 pounds, the single axle load is not heavier than 21,000 pounds, and the gross load is not heavier than 64,000 pounds. (V.A.C.S. Art. 6701d-19a, Sec. 1 (part).)

Source Law

Art. 6701d-19a
Sec. 1. Vehicles used exclusively to transport solid waste . . . may be operated upon the public streets and highways of this state with a tandem axle gross load not to exceed 44,000 pounds, a single axle gross load not to exceed 21,000 pounds and a gross load for the vehicle not to exceed 64,000 pounds . . . .

Revised Law

Sec. 623.163. SURETY BOND. (a) The owner of a vehicle used exclusively to transport solid waste with a tandem axle load heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the department in the principal amount set by the department not to exceed $15,000 for each vehicle.

(b) The bond must be conditioned that the owner of the vehicle will pay to the state and to any municipality in which the vehicle is operated on a municipal street, within the limit of the bond, any damages to a highway or municipal street caused by the operation of the vehicle.

(c) This section does not apply to a vehicle owned by a municipality. (V.A.C.S. Art. 6701d-19a, Sec. 1 (part).)

Source Law

Sec. 1. . . . provided that where the vehicle is to be operated with a tandem axle gross load in excess of 34,000 pounds, the owner, except if the owner is a municipality, of such vehicle shall first file with the State Department of Highways and Public Transportation a surety bond in the principal sum as fixed by the department, which sum shall not be set at a greater amount than $15,000 for each vehicle; said bond to be conditioned that the owner of such vehicle will pay to the State of Texas and to any municipality in which such vehicle is operated on city streets, within the limit of such bond, all damages done to the highways and the city streets by reason of the operation of such vehicle with a tandem axle gross load in excess of 34,000 pounds; such bonds shall be subject to the approval of the State Department of Highways and Public Transportation.
Revisor's Note

Section 1, V.A.C.S. Article 6701d-19a, refers to "city streets." The revised law substitutes "municipal streets" for "city streets" because the Local Government Code uses "municipal" rather than "city."

Revised Law

Sec. 623.164. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127, as amended. (b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than that authorized on January 1, 1983, the new limit automatically takes effect on the national system of interstate and defense highways in this state. (V.A.C.S. Art. 6701d-19a, Sec. 2.)

Source Law

Sec. 2. This Act does not authorize the operation on the national system of interstate and defense highways in this state of vehicles of a size or weight greater than authorized in Title 23, United States Code, Section 127, as amended. If the United States government authorizes the operation on the national system of interstate and defense highways of vehicles of a size or weight greater than those authorized on January 1, 1983, the new limits automatically shall be in effect on the national system of interstate and defense highways in this state.

Revised Law

Sec. 623.165. PENALTIES. (a) A person commits an offense if the person violates this subchapter. (b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:

(1) by a fine of not more than $200;

(2) on conviction within one year after the date of a prior conviction under this section that was punishable under
Subdivision (1), by a fine of not more than $500, by confinement in
the county jail for not more than 60 days, or by both the fine and
the confinement; or

(3) on conviction within one year after the date of a
prior conviction under this section that was punishable under
Subdivision (2) or this subdivision, by a fine of not more than
$1,000, by confinement in the county jail for not more than six
months, or by both the fine and the confinement.

(c) A corporation is not subject to confinement for an
offense under this section, but two times the maximum fine provided
for in the applicable subdivision of Subsection (b) may be imposed
against the corporation. (V.A.C.S. Art. 6701d-19a, Sec. 3.)

Source Law

Sec. 3. (a) It shall be unlawful and constitute
a misdemeanor for any person to violate any of the
provisions of this Act.

(b) Any person, corporation, or receiver who
violates any provision of this Act shall, upon
conviction, be punished by a fine of not more than
$200; for a second conviction within one year
thereafter such person, corporation, or receiver shall
be punished by a fine of not more than $500, or by
imprisonment in the county jail for not more than 60
days, or by both such fine and imprisonment; and upon a
third and subsequent conviction within one year after
the second conviction such person, corporation, or
receiver shall be punished by a fine of not more than
$1,000, or by imprisonment in the county jail for not
more than six months, or by both such fine and
imprisonment. Provisions hereof with respect to
imprisonment shall not be applicable to corporations,
but double the fine herein provided for may be imposed
against them in lieu of imprisonment.

Reviser's Note

Section 3(b), V.A.C.S. Article 6701d-19a, refers
to a "person, corporation, or receiver." The
references to "corporation" and "receiver" are omitted
from the revised law because under Section 311.005(2),
Government Code (Code Construction Act), applicable to
the revised law, "person" includes "corporation" and
"any other legal entity."

[Sections 623.166-623.180 reserved for expansion]
SUBCHAPTER I. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES;

ANNUAL PERMIT

Revised Law

Sec. 623.181. ANNUAL PERMIT. (a) The department may issue an annual permit for the movement over a highway or road of this state of an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight or width limitations prescribed by statute.

(b) The department may issue a permit on receipt of an application for the permit. (V.A.C.S. Art. 6701d-18 (part).)

Source Law

Art. 6701d-18. Notwithstanding other provisions of the statutes governing the weight and width of motor vehicles which may be operated over the highways and roads of Texas, the State Highway Department may, on application, issue annual permits ... to authorize the movement of unladen lift equipment motor vehicles which because of their design for use as lift equipment exceed the maximum weight and width limitations prescribed by statute.

Revised Law

Sec. 623.182. PERMIT FEE. The fee for a permit under this subchapter is $50. (V.A.C.S. Art. 6701d-18 (part).)

Source Law

... [the State Highway Department may, on application, issue annual permits] for a fee of $50 each [to authorize the movement of unladen lift equipment motor vehicles which because of their design for use as lift equipment exceed the maximum weight and width limitations prescribed by statute.]

[Sections 623.183-623.190 reserved for expansion]

SUBCHAPTER J. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES;

TRIP PERMITS

Revised Law

Sec. 623.191. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of an unladen lift equipment motor vehicle that because of its
1 design for use as lift equipment exceeds the maximum weight and
2 width limitations prescribed by statute. (V.A.C.S. Art. 6701d-19b,
3 Secs. 1 (part), 8.)

Source Law

Sec. 1. ... it being the express intent of
this Act to provide an optional procedure for the
issuance of permits for the movement of unladen lift
equipment motor vehicles which because of their design
for use as lift equipment exceed the maximum weight and
width limitations prescribed by statute.

Sec. 8. This Act does not repeal, or prevent the
State Department of Highways and Public Transportation
from issuing annual permits under Chapter 14, Acts of
the 63rd Legislature, Regular Session, 1973 (Article
6701d-18, Vernon's Texas Civil Statutes).

Revised Law

Sec. 623.192. PERMIT TO MOVE UNLADEN LIFT EQUIPMENT MOTOR
18 VEHICLES. (a) The department may, on application, issue a permit
to a person to move over a road or highway under the jurisdiction
of the department an unladen lift equipment motor vehicle that
cannot comply with the restrictions set out in Subchapter C of
Chapter 621 and 621.101.

(b) The department may not issue a permit under this section
unless the vehicle may be moved without material damage to the
highway or serious inconvenience to highway traffic. (V.A.C.S.
Art. 6701d-19b, Sec. 2 (part).)

Source Law

Sec. 2. When any person, firm or corporation
desires to operate over any road or highway under the
jurisdiction of the State Department of Highways and
Public Transportation any vehicle which is an unladen
design for use as lift equipment exceeds the maximum weight and
width limitations prescribed by statute. (V.A.C.S. Art. 6701d-19b,
Secs. 1 (part), 8.)
Revisor's Note

(1) Section 2, V.A.C.S. Article 6701d-19b, refers to a "person, firm or corporation." The revised law refers to a "person" because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

(2) Section 2, V.A.C.S. Article 6701d-19b, refers to Sections 3 and 5 of Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes). Those statutes are codified in this code as Subchapter C of Chapter 621 and 621.101, respectively, and the revised law is drafted accordingly.

Revised Law

Sec. 623.193. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory may designate to the department the route in the municipality to be used by a vehicle described by Section 623.192 operating over the state highway. The department shall show the designated route on each map routing the vehicle.

(b) If a municipality does not designate a route, the department shall determine the route of the vehicle on each state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of the vehicles on the route of a state highway designated by the municipality or department. (V.A.C.S. Art. 6701d-19b, Sec. 2 (part).)

Source Law

Sec. 2. ... Provided, however, that all cities and towns having a state highway within their limits may designate to the State Department of Highways and Public Transportation the route within the city or town to be used by said vehicles operating over the state highway. When so designated, the route shall be shown on all maps routing said vehicles by the State Department of Highways and Public Transportation. In
the event a route is not so designated by a city or
town, the State Department of Highways and Public
Transportation shall determine the route on state
highways for such vehicles within cities or towns. No
fee, permit or license shall be required by any city or
town for movement of said vehicles on the route of a
state highway designated by the State Department of
Highways and Public Transportation or on said special
route designated by a city or town.

Reviser's Note

(1) Section 2, V.A.C.S. Article 6701d-19b,
refers to a "city or town." The revised law
substitutes "municipality" for "city or town" because
that is the term used in the Local Government Code.

(2) The revised law omits the designation of a
route designated by a city or town as special because
that designation is unnecessary. The designation of a
route as a special route has no legal effect.

Revised Law

Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
subchapter may be issued only if the vehicle to be moved is
registered under Chapter 502 for the maximum gross weight
applicable to the vehicle under Section 621.101 or has the
distinguishing license plates as provided by Section 502.276 if
applicable to the vehicle. (V.A.C.S. Art. 6701d-19b, Sec. 3.)

Source Law

Sec. 3. Prior to issuing any permit for the
movement of such vehicles, said vehicles must have been
registered under Chapter 88, General Laws, Acts of the
41st Legislature, 2nd Called Session, 1929 (Article
6675a-1 et seq., Vernon's Texas Civil Statutes), for
the maximum gross weight applicable to such vehicles
under Section 5, Chapter 42, General Laws, Acts of the
41st Legislature, 2nd Called Session, 1929 (Article
6701d-11, Vernon's Texas Civil Statutes), or shall have
the distinguishing license plates as provided in
Subsection (c) of Section 2, Chapter 88, General Laws,
Acts of the 41st Legislature, 2nd Called Session, 1929
(Article 6675a-2, Vernon's Texas Civil Statutes), if
applicable to said vehicles.
Revisor's Note

(1) Section 3, V.A.C.S. Article 6701d-19b, refers to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 502, and the revised law is drafted accordingly.

(2) Section 3, V.A.C.S. Article 6701d-19b, refers to Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes). That statute is codified in this code as Section 621.101, and the revised law is drafted accordingly.

(3) Section 3, V.A.C.S. Article 6701d-19b, refers to Subsection (c) of Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes). That statute is codified in this code as Section 502.276, and the revised law is drafted accordingly.

Revised Law

Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The Texas Transportation Commission by rule shall provide for the issuance of a permit under this subchapter. The rules must include each matter the commission determines necessary to implement this subchapter and:

(1) requirements for forms and procedures used in applying for a permit;

(2) conditions with regard to route and time of movement;

(3) requirements for flags, flaggers, and warning devices;
(4) the fee for a permit; and

(5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the commission shall consider and be guided by:

(1) the state's investment in its highway system;

(2) the safety and convenience of the general traveling public;

(3) the registration or license fee paid on the vehicle for which the permit is requested;

(4) the fees paid by vehicles operating within legal limits;

(5) the suitability of roadways and subgrades on the various classes of highways of the system;

(6) the variation in soil grade prevalent in the different regions of the state;

(7) the seasonal effects on highway load capacity;

(8) the highway shoulder design and other highway geometrics;

(9) the load capacity of highway bridges;

(10) administrative costs;

(11) added wear on highways; and

(12) compensation to highway users for inconvenience and loss of time. (V.A.C.S. Art. 6701d-19b, Sec. 4 (part).)

Source Law

Sec. 4. The State Highway and Public Transportation Commission shall formulate rules and regulations regarding the issuance of such permits including, but not limited to, the forms and procedures to be used in applying for same; conditions with regard to route and time of movement and special requirements as to flags, flagmen and warning devices . . . whether a particular permit shall be for one trip only, or for a period of time to be established by the commission, and such other matters as the commission may deem necessary to carry out the provisions of the Act. . . . it is logical and proper that the fee to be charged for a special transportation permit be sufficient to provide that the permittee pay the administrative costs incurred in the processing and
issuing of the permits, pay for the added wear on the highways in proportion to the reduction of service life, and pay for the special privilege of transporting a more hazardous load over the highways thus compensating for the economic loss to the operators of vehicles in regular operation due to necessary delays and inconveniences occasioned by these types of vehicle movements. . . . in formulating such rules and regulations and in establishing such fees, the commission shall consider and be guided by:

a. The state's investment in its highway system;

b. The safety and convenience of the general traveling public;

c. The amount of the registration or license fee previously paid on the vehicle for which the permit is desired, and the amount of such fees paid by vehicles operating within legal limits; and

d. The suitability of roadways and sub-grades on the various classes of highways of the system, variation in soil grade prevalent in the different regions of the state, and the seasonal effects on highway load capacity as well as the highway shoulder design and other highway geometrics and the load capacity of the highway bridges.

Revisor's Note

(1) Section 4, V.A.C.S. Article 6701d-19b, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway and Public Transportation Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 4, V.A.C.S. Article 6701d-19b, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

(3) Section 4, V.A.C.S. Article 6701d-19b, refers to "including, but not limited to." "[B]ut not limited to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and
not of limitation and do not create a presumption that components not expressed are excluded.

(4) The revised law omits the designation of requirements regarding flags, flagmen, and warning devices as special because that designation is unnecessary. The designation of a requirement as a special requirement has no legal effect.

(5) The revised law omits as unnecessary that portion of Section 4, V.A.C.S. Article 6701d-19b, that states the purpose of that law. The operative sections of the revised law clearly indicate what the law is intended to accomplish. The omitted provision reads:

Sec. 4. . .
It is recognized that the movement of such overweight and oversize vehicles is a privilege not accorded to every user of the highway system, and . . . . It is, therefore, declared to be the policy of the legislature that . . . .

Revised Law
Sec. 623.196. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the commission or with a condition placed on the permit, and immediately on the violation, further movement over a highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway. (V.A.C.S. Art. 6701d-19b, Sec. 4 (part).)

Source Law
Sec. 4. . . The failure of an owner or his representative to comply with any rule or regulation of the Commission or with any condition placed on his permit shall render the permit void and, immediately upon such violation, any further movement over the highways of the oversize or overweight vehicles shall be in violation of existing laws regulating the size and weight of vehicles on public highways. . . .

Revised Law
Sec. 623.197. DEPOSIT OF FEE IN STATE HIGHWAY FUND. A fee collected under this subchapter shall be deposited to the credit of
the state highway fund. (V.A.C.S. Art. 6701d-19b, Sec. 4 (part).)

Source Law
Sec. 4. ... the fees to be collected and deposited in the state highway fund ...

Revised Law
Sec. 623.198. LIABILITY FOR DAMAGE TO HIGHWAYS. (a) By issuing a permit under this subchapter, the department does not guarantee that a highway can safely accommodate the movement.

(b) The owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances. (V.A.C.S. Art. 6701d-19b, Sec. 5.)

Source Law
Sec. 5. The issuance of a permit for an oversize or overweight movement shall not be a guarantee by the Department that the highways can safely accommodate such movement, and the owner of any vehicle involved in any oversize or overweight movement, whether with or without permit, shall be strictly liable for any damage such movement shall cause the highway system or any of its structures or appurtenances.

Revised Law
Sec. 623.199. DETERMINATION WHETHER VEHICLE SUBJECT TO REGISTRATION OR ELIGIBLE FOR DISTINGUISHING LICENSE PLATE. (a) The department may establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.276.

(b) Notwithstanding Subsection (a), a vehicle authorized by the department before June 11, 1985, to operate without registration under Chapter 502 may not be required to register under that chapter. (V.A.C.S. Art. 6701d-19b, Sec. 6.)
Sec. 6. With respect to unladen lift equipment motor vehicles which because of their design for use as lift equipment exceed the maximum weight and width limitations prescribed by statute, the State Department of Highways and Public Transportation may, if determined by it to be necessary or expedient for the proper administration of the laws of this state regarding the registration and licensing of motor vehicles, establish criteria for determining whether a vehicle of the specific type described in this Section is subject to registration under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), or eligible for the distinguishing license plate provided for in Subsection (c) of Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), and on the basis of such criteria, said Department is authorized to determine whether such vehicle is or is not subject to registration under that chapter. Provided, however, that no vehicle heretofore authorized by the State Department of Highways and Public Transportation to operate without registration under the provisions of that chapter shall hereafter be required to register under the provisions thereof.

Reviser's Note

(1) Section 6, V.A.C.S. Article 6701d-19b, refers to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 502, and the revised law is drafted accordingly.

(2) Section 6, V.A.C.S. Article 6701d-19b, refers to Subsection (c) of Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes). That statute is codified in this code as Section 502.276, and the revised law is drafted accordingly.

(3) Section 6, V.A.C.S. Article 6701d-19b, refers to a vehicle "heretofore" authorized to operate without registration. That statute took effect June 11, 1985. Accordingly, the revised law refers to a vehicle authorized before June 11, 1985, to operate
without registration.

Revised Law
Sec. 623.200. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, even if not all the operations of the person are performed under the certificate, permit, or authority granted by that commission for that purpose. (V.A.C.S. Art. 6701d-19b, Sec. 7.)

Source Law
Sec. 7. Nothing in this Act shall be construed to include or apply to any person, firm or corporation authorized by the Railroad Commission of Texas to operate as a carrier for compensation or hire over the public highways of this state, whether or not all the operations of such person, firm or corporation are performed under such certificate, permit or authority granted by the commission.

Revisor's Note
Section 7, V.A.C.S. Article 6701d-19b, refers to a "person, firm or corporation." The references to "firm" and "corporation" are omitted from the revised law because under Section 311.005(2), Government Code (Code Construction Act), applicable to the revised law, "person" includes "corporation" and "any other legal entity."

Revisor's Note
(End of Chapter)
(1) The revised law omits as unnecessary that part of Section 1, V.A.C.S. Article 6701d-19b, relating to the cumulative effect of that article. An accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless it provides otherwise or unless the statutes are in conflict. The general principle
applies to this revision. The omitted law reads:

Art. 6701d-19b
Sec. 1. The provisions of this Act shall be cumulative of all other laws regulating the operation of vehicles and the movement of machinery on the highways of this state . . . .

(2) The revised law omits Section 9, V.A.C.S. Article 6701d-19b, providing that the article is severable, because that provision duplicates Section 311.032, Government Code (Code Construction Act), applicable to the revised law, and Section 312.013, Government Code. Those provisions state that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted law reads:

Sec. 9. If any provision of this Act or the application thereof to any body or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

[Chapters 624-640 reserved for expansion]

SUBTITLE F. COMMERCIAL MOTOR VEHICLES

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SUBTITLE F. COMMERCIAL MOTOR VEHICLES

CHAPTER 641. OPERATION OF LEASED COMMERCIAL MOTOR

VEHICLES AND TRUCK-TRACTORS

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 641.001. DEFINITIONS. In this chapter:

(1) "Commercial motor vehicle" means a motor vehicle

designed or used primarily for transporting property. The term

includes a passenger car only if the passenger car is reconstructed
to be used and is being used primarily for delivery. The term does
not include a motorcycle.

(2) "Department" means the Department of Public
Safety.

(3) "Lease" means an agreement under which a
commercial motor vehicle or truck-tractor is operated and includes
a memorandum of the agreement.

(4) "Truck-tractor" means a motor vehicle designed or
used primarily for drawing another vehicle and not constructed to
carry a load other than a part of the weight of the vehicle and
load being drawn.

(5) "Vehicle" means a mechanical device that may be
used to transport a person or property or to draw property on a
public highway. The term includes a motor vehicle, trailer, or
semitrailer but does not include a device moved by human power or
used exclusively on stationary rails or tracks. (V.A.C.S.
Art. 6701c-1, Secs. 1 (part), 2 (part); New.)
Revisor's Note

(1) The definition of "lease" is added to the revised law for drafting convenience and to eliminate frequent unnecessary repetition of the substance of the definition.

(2) The definition of "vehicle" in Section 1, V.A.C.S. Article 6701c-1, states that the term includes "motor vehicles, commercial motor vehicles, truck-tractors . . . ." The revised law omits "commercial motor vehicles" and "truck-tractors" because by definition they are "motor vehicles."

(3) The definition of "vehicle" in Section 1, V.A.C.S. Article 6701c-1, refers to "motor vehicles, commercial motor vehicles, truck-tractors, trailers, and semi-trailers, severally, as hereinafter defined." The references to "severally" and "as hereinafter defined" are omitted as unnecessary.

Revised Law

Sec. 641.002. EFFECT OF COMPLIANCE WITH CHAPTER. The fact of compliance with this chapter does not:

(1) establish a prima facie case of a bona fide lease covering a commercial motor vehicle or truck-tractor; or
(2) create a presumption that a commercial motor vehicle or truck-tractor is not being operated in violation of Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701c-1, Sec. 7.)

Source Law

Sec. 7. Compliance with the requirements of this Act shall not be construed as making a prima facie case of a bona fide lease covering a motor vehicle, nor shall compliance be construed as creating any presumption that the commercial motor vehicle or truck-tractor in question is not being operated in violation of the terms and provisions of the Acts of the 41st Legislature, 1929, Chapter 314, page 698, as amended by acts of the 42nd Legislature, 1931, Chapter 277, page 480, as amended by Acts of the 47th
Legislature, 1941, Chapter 442, page 713, and Chapter 290, page 463, and codified as Article 911b, Vernon's Civil Statutes, and Article 1690b, Vernon's Penal Code.

Revisor's Note

Section 7, V.A.C.S. Article 6701c-1, refers to "Article 1690b, Vernon's Penal Code." Article 1690b, Vernon's Penal Code, was transferred to V.A.C.S. Article 911b under Chapter 399, Acts of the 63rd Legislature, Regular Session, 1973. The revised law is drafted accordingly.

[Sections 641.003-641.020 reserved for expansion]

SUBCHAPTER B. VEHICLE OPERATED UNDER LEASE

Revised Law

Sec. 641.021. FILING OF LEASE REQUIRED. A person who is not the registered owner of a commercial motor vehicle or truck-tractor may not operate the vehicle on a public highway in this state unless the person under whose supervision and control the vehicle is being operated has:

(1) executed with the registered owner a lease under which the vehicle is being operated; and

(2) has filed with the department a copy of the lease.

(V.A.C.S. Art. 6701c-1, Secs. 2 (part), 4 (part).)

Source Law

Sec. 2. No commercial motor vehicle or any truck-tractor shall be operated over any public highway of this state by any person other than the registered owner thereof, . . . unless such other person under whose supervision, direction and control said motor vehicle or truck-tractor is operated shall have caused to be filed with the Department an executed copy of the lease, memorandum or agreement under which such commercial motor vehicle or truck-tractor is being operated.

Sec. 4. Such lease, memorandum, or agreement as required by Section 2 of this Act . . .
Revisor's Note

(1) Section 2, V.A.C.S. Article 6701c-1, refers to the "lease, memorandum or agreement." The revised law omits "memorandum or agreement" because those terms are included within the meaning of "lease" as defined by Section 641.001 of this code.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to operation of a motor vehicle under the "supervision, direction and control" of a person. The reference to "direction" is omitted from the revised law because "direction" is contained within the meaning of "supervision" and "control."

(3) Section 2, V.A.C.S. Article 6701c-1, refers to filing of an "executed" lease. The revised law omits "executed" as redundant because another provision of Section 2, revised in this chapter in Section 641.023, requires that the lease be executed.

Revised Law

Sec. 641.022. CONTENTS OF LEASE. (a) The lease required by this chapter must include:

(1) the name and address of the registered owner of the commercial motor vehicle or truck-tractor to which the lease applies;

(2) the name and address of the lessee;

(3) the consideration for the lease;

(4) the term of the lease;

(5) the commodity to be transported under the lease;

and

(6) a description of the commercial motor vehicle or truck-tractor.

(b) Subject to Subsection (c), the lease must provide that:

(1) the operation of the vehicle is under the complete control and supervision of the lessee;
During the term of the lease the lessee shall provide evidence of financial responsibility in accordance with Chapter 601; and

(3) the vehicle is not the subject of another lease filed with the department under this chapter that is in effect, unless the other lease is required by law.

(c) Subsection (b) does not apply to a lease between regulated carriers subject to the jurisdiction of the Railroad Commission of Texas or the Interstate Commerce Commission.

(V.A.C.S. Art. 6701c-1, Sec. 4 (part).)

Source Law

[Sec. 4. Such lease, memorandum, or agreement as required by Section 2 of this Act] shall contain or provide, but shall not be limited to, the name and address of the registered owner of such commercial motor vehicle or truck-tractor, the name and address of the person other than the owner under whose supervision, direction, and control the vehicle will be operated, the actual consideration, the term, the commodity or commodities to be transported under such lease, memorandum, or agreement and a full description of the commercial motor vehicle or vehicles or truck-tractors covered thereby, and except as to leases between regulated carriers subject to the jurisdiction of the Railroad Commission of Texas or the Interstate Commerce Commission, that the operation of such vehicle shall be under the full and complete control and supervision of the person other than the registered owner, that the person other than the registered owner shall provide for each vehicle during the term of such lease, memorandum or agreement proof of financial responsibility as defined in the Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes), and shall state that such commercial motor vehicle or vehicles or truck-tractors are not the subject of any other such lease, memorandum, or agreement which shall have been filed with the Department of Public Safety in accordance with Section 2 of this Act and which is still in effect, unless the lease, memorandum, or agreement is otherwise required by law.

... Reviser's Note

(1) Section 4, V.A.C.S. Article 6701c-1, refers to the "lease, memorandum or agreement." The revised law omits "memorandum or agreement" for the reason stated in Reviser's Note (1) to Section 641.021 of this code.
1 (2) Section 4, V.A.C.S. Article 6701c-1, refers to Section 2 of "this Act," meaning V.A.C.S. Article 6701c-1, revised as this chapter. The revised law is drafted accordingly.

2 (3) Section 4, V.A.C.S. Article 6701c-1, refers to the "actual" consideration for the lease. The revised law omits "actual" because it does not add to the clear meaning of the law.

3 (4) Section 4, V.A.C.S. Article 6701c-1, refers to "full and complete control." The reference to "full" is omitted from the revised law because "full" is included within the meaning of "complete."

4 (5) Section 4, V.A.C.S. Article 6701c-1, refers to the "Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes)." That act is revised in this code as Chapter 601, and the revised law is drafted accordingly.

Revised Law

Sec. 641.023. MANNER OF FILING; FEE. (a) To file a lease under this chapter, a person must:

1 (1) send, by certified mail addressed to the department, a copy of the executed lease; and

2 (2) obtain, at the time of mailing, a postmarked receipt for the certified mail.

3 (b) The copy of the lease must be accompanied by, for each commercial motor vehicle or truck-tractor to which the lease applies:

4 (1) a fee of $5; and

5 (2) a photocopy or certified copy of the registration or title papers. (V.A.C.S. Art. 6701c-1, Secs. 2 (part), 5 (part).)
Sec. 2. . . .
For the purposes of this Act, a lease, memorandum or agreement shall not be considered as filed with the Department unless and until the lessee of such motor vehicle or truck-tractor shall have mailed by certified mail a duly executed copy of said lease, memorandum or agreement in the United States Mail properly addressed to the Department, and at the time of said mailing obtaining from the Post Office a receipt for certified mail properly postmarked by the Post Office Clerk showing the date and place of mailing.

Sec. 5. Any filing of a lease, memorandum, or agreement, . . . , as provided for in Section 2 . . . of this Act shall be accompanied by a fee of Five ($5.00) Dollars, for each and every vehicle operated, or to be operated, under such lease, memorandum or agreement, together with a photostat or certified copy of the registration or title papers on every such motor vehicle . . . .

Revisor's Note
(1) Sections 2 and 5, V.A.C.S. Article 6701c-1, refer to the "lease, memorandum or agreement." The revised law omits "memorandum or agreement" for the reason stated in Revisor's Note (1) to Section 641.021 of this code.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to a "duly" executed lease. The revised law omits "duly" as unnecessary. For example, a document purporting to be a lease is not a lease if it is a forgery.

(3) Section 2, V.A.C.S. Article 6701c-1, refers to "properly" addressed mail. The revised law omits "properly" as unnecessary. A document is not addressed to the department if the address is incorrect or illegible.

(4) Section 2, V.A.C.S. Article 6701c-1, refers to a receipt for certified mail "properly" postmarked by the post office clerk. The revised law omits "properly" as unnecessary. For example, a receipt purporting to be postmarked is not postmarked if the
postmark is a forgery.

(5) Section 2, V.A.C.S. Article 6701c-1, refers to "a receipt for certified mail . . . postmarked by the Post Office Clerk showing the date and place of mailing." The revised law substitutes "postmarked receipt for the certified mail" for the quoted phrase. A postmark is made by a post office clerk. A postmark shows the date and place of mailing. It is not necessary to restate these facts in the revised law.

(6) The revised law substitutes "photocopy" for "photostat" because, in the context of Section 5, V.A.C.S. Article 6701c-1, the terms may be used interchangeably and "photocopy" is the modern usage.

Revised Law
Sec. 641.024. ACKNOWLEDGMENT. On receipt of a lease filed under Section 641.021, the department shall promptly deliver or mail to the lessee a letter of acknowledgment. The official stamp or seal of the department must be affixed to the letter. In addition to any other information provided by the department, the letter must contain the:

1. names and addresses of the lessor and lessee;
2. term of the lease; and
3. make and motor or serial number of the commercial motor vehicle or truck-tractor to which the lease applies.

(V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law
Sec. 2. . . . Immediately upon receipt thereof, the Department shall deliver or mail forthwith to the lessee of such motor vehicle or truck-tractor, a letter of acknowledgment thereof, with the official stamp or seal of the Department affixed to such letter. Such letter of acknowledgment shall contain:
1. The names of the lessor and lessee and their addresses;
2. The term of the lease;
3. The make, and motor or serial number of the vehicle covered by such lease; and
4. Such other data as the Department may determine.
Revised Law

Sec. 641.025. MAINTENANCE AND DISPLAY OF LEASE OR ACKNOWLEDGMENT. (a) The lessee of a commercial motor vehicle or truck-tractor shall keep in the cab of the vehicle until the end of the 15th day after the date on which operation under the lease begins:

(1) a true copy of the lease;  
(2) a true copy of the letter of transmittal of the lease to the department; and  
(3) the receipt for certified mail required by Section 641.023.

(b) The lease, the letter of transmittal, and the certified mail receipt under Subsection (a) authorize the operation of the commercial motor vehicle or truck-tractor for the period ending on the 15th day after the date the receipt was issued.

(c) After the period specified in Subsection (b), the lessee shall keep in the cab of the commercial motor vehicle or truck-tractor a copy of the letter of acknowledgment issued under Section 641.024 when the vehicle is operated on a public road or highway in this state.

(d) On request, the lessee shall display to an officer authorized to enforce this section:

(1) a receipt for certified mail that is effective under Subsection (b); or  
(2) a copy of the letter of acknowledgment as described by Subsection (c).

(e) The operation of a leased commercial motor vehicle or truck-tractor on a public road or highway in this state without a document required under Subsection (a) or (c) violates this chapter. (V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law

Sec. 2. . . .
The lessee of said motor vehicle or truck-tractor
shall have in the cab thereof during the first fifteen (15) days of operation under said lease, memorandum or agreement a true copy of said lease, memorandum or agreement, together with the letter of transmittal of such lease to the Department, as well as said receipt for certified mail, which shall be effective for a period not to exceed fifteen (15) days from the date issued. Following the expiration of said fifteen (15) day period the lessee of said motor vehicle or truck-tractor shall have in the cab thereof at all times while such motor vehicle or truck-tractor is being operated on the roads or highways of this state, a true copy of the original letter of acknowledgment, as provided herein, with the official stamp or seal of the Department affixed thereto. Such letter of acknowledgment, or an effective receipt for certified mail, must be displayed to any officer authorized to enforce this law, upon request of such officer.

The operation of any such leased motor vehicle or truck-tractor over the public highways or roads of this state without having in the cab thereof such letter of acknowledgment from the Department with its official stamp or seal affixed thereto, or an effective receipt for certified mail, as well as the letter of transmittal and copy of said lease, memorandum or agreement, as provided for herein, shall be unlawful.

Reviser's Note

(1) Section 2, V.A.C.S. Article 6701c-1, refers to the "lease, memorandum or agreement." The revised law omits "memorandum or agreement" for the reason stated in Reviser's Note (1) to Section 641.021 of this code.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to a "receipt for certified mail" and "an effective receipt for certified mail." The revised law adds a cross-reference to Section 641.023 of this code, the section that requires the receipt.

(3) Section 2, V.A.C.S. Article 6701c-1, refers to a "copy of the original letter of acknowledgment." The revised law omits "original" because it does not add to the clear meaning of the law.

(4) Section 2, V.A.C.S. Article 6701c-1, refers to "the original letter of acknowledgment, as provided herein, with the official stamp or seal of the Department affixed thereto." To avoid duplicating the
portion of Section 2 revised in this chapter as Section 641.024, the revised law substitutes a cross-reference to that section for the quoted language.

Revised Law

Sec. 641.026. SUBSEQUENT LEASE; FEE. (a) If a lease has been filed under Section 641.023, the department may not accept for filing a subsequent lease for a commercial motor vehicle or truck-tractor unless:

(1) the previous lease is expired; or

(2) a release of the previous lease is filed with the department.

(b) If the document evidencing the lease does not include an expiration date, the lease is considered to expire on the fifth anniversary of the later of:

(1) the lease's effective date; or

(2) the date on which the lease was filed.

(c) Subsection (a) does not apply to a lease between regulated carriers subject to the jurisdiction of the Railroad Commission of Texas or the Interstate Commerce Commission if dual registration of the equipment has been specifically approved.

(d) A release of a lease filed with the department must be accompanied by, for each commercial motor vehicle or truck-tractor to which the lease applies:

(1) a fee of $5; and

(2) a photocopy or certified copy of the registration or title papers. (V.A.C.S. Art. 6701c-1, Secs. 3, 5 (part).)

Source Law

Sec. 3. When any such lease, memorandum, or agreement, as required by Section 2 of this Act, shall have been filed with the Department covering the operation of any commercial motor vehicle or truck-tractor, no further such lease, memorandum, or agreement covering the operation of the same commercial motor vehicle or truck-tractor may be accepted by the Department for filing, except a lease between regulated carriers subject to the jurisdiction of the Railroad Commission of Texas or the Interstate Commerce Commission under which lawful dual registration of equipment has been specifically approved, until the
existing lease, memorandum, or agreement shall have expired in accordance with its own terms or there shall have been filed with the Department a full release thereof. However, if no definite expiration date is included in the document, it is deemed to expire five (5) years after its effective date or five (5) years after the date filed, whichever is later.

Sec. 5. Any filing... of a release thereof, as provided for in... Section 3 of this Act shall be accompanied by a fee of Five ($5.00) Dollars, for each and every vehicle operated, or to be operated, under such lease, memorandum or agreement, together with a photostat or certified copy of the registration or title papers on every such motor vehicle... .

Revisor's Note

(1) Sections 3 and 5, V.A.C.S. Article 6701c-1, refer to the "lease, memorandum or agreement." The revised law omits "memorandum or agreement" for the reason stated in Revisor's Note (1) to Section 641.021 of this code.

(2) Section 5, V.A.C.S. Article 6701c-1, refers to a "photostat" of a vehicle's registration or title papers. The revised law substitutes "photocopy" for "photostat" for the reason stated in Revisor's Note (6) to Section 641.023 of this code.

Revised Law

Sec. 641.027. LEASE CONFIDENTIAL. (a) Subject to Subsections (b) and (c), information contained in a lease filed with the department under this chapter is confidential and only for the use of the department.

(b) The following information in a lease is not confidential:

(1) the description of the commercial motor vehicle or truck-tractor to which the lease applies;

(2) the name and address of the registered owner of the vehicle; and

(3) the name and address of the lessee.

(c) The department may:

(1) make any information contained in the lease
available to a law enforcement officer of the Interstate Commerce
Commission; or

(2) use any information contained in the lease in a
judicial proceeding brought in the name of this state. (V.A.C.S.
Art. 6701c-1, Sec. 4 (part).)

Source Law

Sec. 4. ...

All information contained in any lease, memorandum, or agreement filed with the Department as required by Section 2 of this Act shall, with the exception of the name and address of the registered owner, the name and address of the person other than the owner, under whose supervision, direction and control the same is being operated, and a full description of the commercial motor vehicle or truck-tractor covered thereby, shall be for the confidential use of the Department; except, however, that the Department of Public Safety may make such information available to the law enforcement officers of the Interstate Commerce Commission, and may further use such information in any judicial proceeding brought in the name of the State of Texas.

Revisor's Note

(1) Section 4, V.A.C.S. Article 6701c-1, refers to the "lease, memorandum, or agreement." The revised law omits "memorandum, or agreement" for the reason stated in Revisor's Note (1) to Section 641.021 of this code.

(2) Section 4, V.A.C.S. Article 6701c-1, refers to Section 2 of "this Act," meaning V.A.C.S. Article 6701c-1, revised as this chapter. The revised law is drafted accordingly.

Revisor's Note

(End of Subchapter)

The revised law omits that part of Section 5, V.A.C.S. Article 6701c-1, providing that the fees collected under Sections 2 and 3 of that statute be deposited in the state treasury to the credit of the operator's and chauffeur's license fund, and dedicating that money to the Texas Department of Public Safety to
enforce the statute. The revised law omits the
requirement that the fees be deposited in the treasury
because Section 404.094, Government Code (State Funds
Reform Act), requires all money, including the
referenced fees, collected by a state agency to be
deposited in the treasury. The revised law omits the
reference to the operator's and chauffeur's license
fund because the comptroller of public accounts, acting
under authority of Section 403.094(a), Government Code,
abolished that fund, effective August 31, 1993. The
revised law omits the dedication of the money deposited
in that fund, because Section 403.094(h), Government
Code, provides that all statutory dedications of
revenue enacted before August 31, 1995, are void unless
reenacted after September 1, 1991. The dedication in
Section 5, V.A.C.S. Article 6701c-1, was enacted in
1955 and was not reenacted after September 1, 1991.
The omitted parts of Section 5, V.A.C.S. Article
6701c-1, read as follows:

Sec. 5. [Any filing] . . . [as
provided for in Section 2 and Section 3 of
this Act shall be accompanied by a
fee] . . . which shall be deposited in the
Treasury of the State of Texas to the
credit of the Operator's and Chauffeur's
License Fund to be used by the Department
of Public Safety for the purpose of
enforcement of this Act.

[Sections 641.028-641.040 reserved for expansion]

SUBCHAPTER C. SIGNS

Revised Law

Sec. 641.041. SIGNS REQUIRED. A person who is not the
registered owner of a commercial motor vehicle or truck-tractor may
not operate the vehicle on a public highway in this state unless
the vehicle has the signs required by this subchapter. (V.A.C.S.
Art. 6701c-1, Sec. 6 (part).)
Sec. 6. No commercial motor vehicle or truck-tractor shall be operated over any public highway of this State when said vehicle is being operated by a person other than the registered owner . . . unless there shall be affixed . . . a sign or placard . . . .

Revisor's Note

(1) Section 6, V.A.C.S. Article 6701c-1, states that the sign requirements of this subchapter do not apply to the operation of a commercial motor vehicle or truck-tractor by an agent under the supervision and control of a registered owner. The revised law omits this statement as unnecessary; under Section 2, V.A.C.S. Article 6701c-1, revised in this chapter as Section 641.061, this chapter does not apply to a commercial motor vehicle or truck-tractor operated by an agent under the supervision and control of the registered owner of the vehicle. The omitted law reads:

Sec. 6. [No . . . vehicle shall be operated . . . by a person other than the registered owner] or his agent, servant or employee under the supervision, direction, and control of such registered owner . . . .

(2) Section 6, V.A.C.S. Article 6701c-1, refers to a "sign or placard." The reference to "placard" is omitted from the revised law because "placard" is contained within the concept of "sign" under Section 641.042 of this code.

(3) The revised law adds a cross-reference to subsequent portions of Section 6, V.A.C.S. Article 6701c-1, revised in this subchapter, that further specify requirements for the sign.

Revised Law

Sec. 641.042. PLACEMENT AND CONTENT OF SIGNS. Signs required by this subchapter:
(1) must be in a conspicuous place on each side of the vehicle;

(2) must state, in letters not less than two inches high and not less than one-fourth inch wide, the name and address of the lessee; and

(3) may be painted or placed on a placard, canvas, or other durable material securely attached to the vehicle. (V.A.C.S. Art. 6701c-1, Sec. 6 (part).)

Source Law

Sec. 6. . . . unless there shall be affixed in a conspicuous place on each side thereof a sign or placard, in letters not less than two inches in height or less than one-fourth inches in width, showing the name and address of such person, firm or corporation under whose control, direction and supervision said vehicle is being operated, whether individually or through an agent, servant or employee, under the supervision, direction, and control of such person, firm or corporation other than the registered owner. Such sign or placard as is required by the provisions of this section to be affixed in a conspicuous place on each side of the vehicle need not be painted on such vehicle but may be placed on a durable placard, canvas or other material by painting, drawing, stenciling or otherwise, and in such event such placard or canvas or other material shall be securely affixed to each side of such vehicle.

Revisor's Note

(1) Section 6, V.A.C.S. Article 6701c-1, refers to the person under whose supervision and control the vehicle is being operated "whether individually or through an agent, servant or employee, under the supervision, direction, and control of such person, firm or corporation other than the registered owner."

The revised law omits the quoted language as unnecessary because Section 6 requires that the sign state the name of any person under whose supervision and control the vehicle is being operated.

(2) Section 6, V.A.C.S. Article 6701c-1, states that the sign may be placed "by painting, drawing, stenciling or otherwise." The quoted language is
omitted as unnecessary because any manner of writing or
printing on the sign is acceptable under this
provision.

[Sections 641.043-641.060 reserved for expansion]

SUBCHAPTER D. EXCEPTIONS

Revised Law

Sec. 641.061. OPERATION BY AGENT. This chapter does not
apply to a commercial motor vehicle or truck-tractor operated by an
agent of the registered owner and under the owner's supervision and
control. (V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law

Sec. 2. [No commercial motor vehicle nor any
truck-tractor shall be operated over any public highway
of this state by any person other than the registered
owner thereof] or his agent, servant or employee under
the supervision, direction, and control of such
registered owner [unless] . . . .

Revisor's Note

Section 2, V.A.C.S. Article 6701c-1, refers to
the registered owner's "agent, servant or employee."
The revised law omits "servant" and "employee" because
the meaning of those terms is contained within the
meaning of "agent."

Revised Law

Sec. 641.062. FARM VEHICLES. This chapter does not apply to
a commercial motor vehicle or truck-tractor lawfully registered as
a farm vehicle under Section 502.163. (V.A.C.S. Art. 6701c-1, Sec.
2 (part).)

Source Law

Sec. 2. . . .
Provided, however, that this Act shall not apply
to any vehicle lawfully registered as a farm vehicle
under the provisions of Acts of the 41st Legislature,
2nd Called Session, 1929, Chapter 88, page 172, Section
6a, as amended by subsequent session of the Legislature
and as codified as Article 6675a-6a, Revised Civil
Statutes of Texas. . . .
Revisor's Note

(1) Section 2, V.A.C.S. Article 6701c-1, states that "this Act," revised as this chapter, does not apply to "any vehicle . . . registered as a farm vehicle . . . ." The revised law substitutes "commercial motor vehicle or truck-tractor" for "vehicle" because Section 2 applies only to commercial motor vehicles and truck-tractors and stating an exception that is broader than the application of this chapter is unnecessary.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to "Acts of the 41st Legislature, 2nd Called Session, 1929, Chapter 88, page 172, Section 6a, as amended by subsequent session of the Legislature and as codified as Article 6675a-6a, Revised Civil Statutes of Texas." That section has been revised in this code as Section 502.163, and the revised law is drafted accordingly.

Revised Law

Sec. 641.063. VEHICLES USED TO TRANSPORT EARTH AND ROAD-BUILDING MATERIALS. This chapter does not apply to a commercial motor vehicle or truck-tractor that is used only to transport:

(1) sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, or aggregate; or

(2) a road-building substance that is similar to those listed in Subdivision (1) and that is ordinarily transported in bulk if the substance is being transported to or from the construction site of:

(A) a project being performed for or on behalf of the United States, this state, or a political subdivision of this state;

(B) a national defense project or airport; or

(C) a road or highway. (V.A.C.S. Art. 6701c-1,
Sec. 2 (part).)

Source Law

Sec. 2. . . . And provided further, that this Act shall not apply to motor vehicles, commercial motor vehicles, and truck-tractors used exclusively to transport sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, and aggregate; nor shall this Act apply to such vehicles as are used exclusively in the transportation of sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, aggregate, and other similar road-building substances ordinarily transported in bulk when such substances are being transported to or from the job site of any construction project being performed for or on behalf of the Federal Government, the State of Texas or any political subdivision thereof, or to or from the construction site of any national defense project, airport and roadways leading thereto, or to or from the construction site of any road, highway, and expressway . . . .

Revisor's Note

(1) Section 2, V.A.C.S. Article 6701c-1, states that "this Act," revised as this chapter, does not apply to certain "motor vehicles, commercial motor vehicles, and truck-tractors." The revised law omits "motor vehicles" for the reason stated in Revisor's Note (1) under Section 641.062 of this code.

(2) The portion of Section 2, V.A.C.S. Article 6701c-1, revised in Subdivision (2) of the revised law excludes from the application of this chapter vehicles used only to transport "sand, gravel, dirt, caliche, shell, cement, ready-mix concrete, asphalt rock, and aggregate" and other similar road-building substances ordinarily transported in bulk when the substances are being transported to or from specified sites. Because a vehicle used only to transport the substances described in the quoted phrase is always exempt from the application of the chapter under the portion of Section 2 revised as Subdivision (1) of this section, the quoted phrase is omitted from Subdivision (2).

(3) The portion of Section 2, V.A.C.S. Article
6701c-1, revised as Subdivision (2)(B) of the revised law refers to any "national defense project, airport and roadways leading thereto." The revised law omits this reference to roadways because it duplicates the portion of Section 2 revised as Subdivision (2)(C) of the revised law.

(4) Section 2, V.A.C.S. Article 6701c-1, refers to a "road, highway, and expressway." The revised law omits the reference to "expressway" because "expressway" is contained within the meaning of "highway."

**Revised Law**

Sec. 641.064. PASSENGER CAR USED TO DELIVER MAIL. This chapter does not apply to a passenger car used to deliver United States mail. (V.A.C.S. Art. 6701c-1, Sec. 1 (part).)

**Source Law**

Sec. 1. [The following . . . phrases . . . have the meanings . . . as follows:]

"Commercial Motor Vehicle". Every motor vehicle . . . including any passenger car . . . with the exception of passenger cars used in the delivery of the United States mails.

**Revised Law**

Sec. 641.065. VEHICLES USED TO TRANSPORT LIQUEFIED PETROLEUM GAS. This chapter does not apply to a commercial motor vehicle or truck-tractor used only to transport liquefied petroleum gas if the vehicle is operated in accordance with:

(1) Article 6053, Revised Statutes; and

(2) the rules of the Railroad Commission of Texas on the:

(A) handling and odorization of liquefied petroleum gas; and

(B) specifications for the design, construction, and installation of equipment used in the transportation, storage,
dispensing, and consumption of liquefied petroleum gas. (V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law

Sec. 2. . . nor shall the requirements of this Act apply to any motor vehicle or truck-tractor which is used exclusively in the transportation of liquefied petroleum gases when such vehicle is being operated in accordance with the provisions of Chapter 363, page 612, Acts 52nd Legislature, 1951, and the provisions of Article 6053, Revised Civil Statutes of Texas, 1925, as amended, and the rules and regulations adopted by the Railroad Commission of Texas governing the handling and odorization of liquefied petroleum gases and specifications for the design, construction and installation of equipment used in the transportation, storage, dispensing, and consumption of liquefied petroleum gases. . . .

Reviser's Note

(1) Section 2, V.A.C.S. Article 6701c-1, refers to "any motor vehicle." The revised law substitutes "commercial motor vehicle" for the quoted phrase for the reason stated in Reviser's Note (1) to Section 641.062 of this code.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to Chapter 363, page 612, Acts of the 52nd Legislature, 1951. That act enacted V.A.C.S. Article 6052a and amended Article 6053, Revised Statutes. Article 6052a was repealed by Section 31, Chapter 382, Acts of the 56th Legislature, 1959, Regular Session. The revised law is drafted accordingly.

(3) Section 2, V.A.C.S. Article 6701c-1, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.
Sec. 641.066. VEHICLES USED TO TRANSPORT HOUSEHOLD AND OFFICE GOODS. This chapter does not apply to a commercial motor vehicle or truck-tractor used only to transport household goods, used office furniture and equipment. (V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law

Sec. 2. Provided, however, that the provisions of this Act shall not apply to motor vehicles, commercial motor vehicles, and truck-tractors used exclusively to transport household goods, used office furniture and equipment.

Revisor's Note

Section 2, V.A.C.S. Article 6701c-1, refers to "motor vehicles, commercial motor vehicles, and truck-tractors." The revised law omits "motor vehicle" for the reason stated in Revisor's Note (1) to Section 641.062 of this code.

Revised Law

Sec. 641.067. VEHICLES LEASED FROM CERTAIN LEASING COMPANIES. (a) This chapter does not apply to a commercial motor vehicle or truck-tractor leased without a driver from a person who:

(1) has, as a principal business, the leasing for compensation of motor vehicle equipment without drivers to the public;

(2) maintains an established place of business and whose lease contract requires that the motor vehicle equipment be returned to that place of business; and

(3) files with the department within 10 days of January 1, April 1, July 1, and October 1 of each year a report as described by Subsection (b).

(b) The report required by Subsection (a)(3) must contain a list providing a description of each commercial motor vehicle or truck-tractor owned by the person, on the date of the report, that
is available for lease for compensation without a driver.

(c) The first report filed under this section must be accompanied by, for each vehicle listed, a fee of $5 and a photocopy or certified copy of the registration or title papers. Each subsequent report must be accompanied by, for each vehicle listed in the report that was not listed in the previous report, a fee of $5 and a photocopy or certified copy of the registration or title papers. (V.A.C.S. Art. 6701c-1, Sec. 2 (part).)

Source Law

Sec. 2. . . . And provided further, that this Act shall not apply to commercial motor vehicles and truck-tractors leased or rented:

(a) without drivers from an individual, person, co-partnership, association or corporation whose principal business is the bona fide leasing or renting of motor vehicle equipment without drivers for compensation to the general public;

(b) and who maintain an established place of business and whose lease or rental contracts require the motor vehicle equipment to return to the established place of business;

(c) and who have dated and filed within ten (10) days of January 1st, April 1st, July 1st, and October 1st of each year, with the Department of Public Safety, a complete list giving a full description of all such commercial motor vehicles and truck-tractors owned by such individual, person, co-partnership, association or corporation, as of the date of the report, and available for lease or rent without drivers for compensation. The first complete list filed herein must be accompanied by a fee of Five ($5.00) Dollars for each vehicle listed therein, together with a photostat or certified copy of the registration or title papers on every such motor vehicle; however, no such fee need be filed in subsequent quarterly filings unless such subsequent list contains additional equipment, in which event a fee of Five ($5.00) Dollars, together with photostat or certified copy of the registration or title papers on such additional equipment shall be filed. . . .

Reviser's Note

(1) Section 2, V.A.C.S. Article 6701c-1, refers to the business of "bona fide" leasing. The revised law omits "bona fide" as unnecessary.

(2) Section 2, V.A.C.S. Article 6701c-1, refers to a vehicle "leased or rented." The reference to "rented" is omitted from the revised law because "rented" is contained within the meaning of "leased."
(3) Section 2, V.A.C.S. Article 6701c-1, refers to an "individual, person, co-partnership, association or corporation." The revised law omits the reference to "individual" because "individual" is contained within the meaning of "person." The revised law omits the reference to "co-partnership, association or corporation" for the reason stated in Reviser's Note (2) to Section 641.042 of this code.

(4) Section 2, V.A.C.S. Article 6701c-1, refers to persons who have "dated and filed" a required report. The revised law omits the reference to "dated" because it is clear from subsequent portions of Section 2 that the report must be dated. See Subsection (b) of the revised law.

(5) Section 2(c), V.A.C.S. Article 6701c-1, refers to a "photostat" of a vehicle's registration or title papers. The revised law substitutes "photocopy" for "photostat" for the reason stated in Reviser's Note (6) to Section 641.023 of this code.

[Sections 641.068-641.080 reserved for expansion]

SUBCHAPTER E. VIOLATION; PENALTIES

Revised Law

Sec. 641.081. OFFENSE. (a) A person operating or permitting the operation of a commercial motor vehicle or truck-tractor that does not comply with this chapter commits an offense.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than $100 or more than $200.

(V.A.C.S. Art. 6701c-1, Sec. 9.)

Source Law

Sec. 9. The lessor, lessee, person, driver, operator, or other person, corporation, firm or co-partnership, operating or driving or causing or permitting the operating or driving of such commercial motor vehicle or truck-tractor failing to comply with
any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than One Hundred ($100.00) Dollars and not exceeding Two Hundred ($200.00) Dollars.

Revisor's Note

(1) Section 9, V.A.C.S. Article 6701c-1, refers to the "lessor, lessee, person, driver, operator, or other person, corporation, firm or co-partnership." The reference to "lessor, lessee, ... driver, operator, or other person, corporation, firm or co-partnership" is omitted from the revised law because the meaning of those terms is contained within the meaning of "person." See Revisor's Note (3) to Section 641.067 of this code.

(2) Section 9, V.A.C.S. Article 6701c-1, refers to the "operating or driving" of a commercial motor vehicle or truck-tractor. The reference to "driving" is omitted from the revised law because "driving" is included within the meaning of "operating."

(3) Section 9, V.A.C.S. Article 6701c-1, provides that a person "causing ... the operating or driving of [a] commercial motor vehicle or truck-tractor failing to comply with any provision of this Act shall be guilty of a misdemeanor." Section 7.02(a), Penal Code, provides in part that a person is criminally responsible for an offense committed by the conduct of another if, acting with the degree of culpability required for the offense, the person "causes or aids an innocent person to engage in the conduct prohibited by the definition of the offense," or if, acting with intent to promote or assist the commission of the offense, the person "solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense." Accordingly, the revised law omits as unnecessary the reference to
"causing" the operation of a commercial motor vehicle.

Revised Law

Sec. 641.082. DEFENSE: LOAN OF VEHICLE WITHOUT COMPENSATION. It is a defense to an alleged violation of this chapter that:

(1) the commercial motor vehicle or truck-tractor was at the time of the alleged violation loaned to the driver or the driver's employer; and

(2) compensation was not paid for the use of the vehicle. (V.A.C.S. Art. 6701c-1, Sec. 8.)

Source Law

Sec. 8. It shall be a complete defense to any alleged violation hereof that such commercial motor vehicle or any truck-tractor was under loan to the driver thereof or his employer, and that no compensation was paid for the use thereof.

Revisor's Note

The revised law omits the reference in Section 8, V.A.C.S. Article 6701c-1, to a "complete" defense to an alleged violation because the term does not add to the clear meaning of the law.

Revisor's Note

(End of Chapter)

The revision omits a portion of Section 2, V.A.C.S. Article 6701c-1, providing that the exceptions set forth in that article are severable, because that provision duplicates Section 311.032, Government Code (Code Construction Act), applicable to the revised law, and Section 312.013, Government Code. These provisions state that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted source law reads:

If for any reason any one or more of the foregoing exceptions contained in this Act is unconstitutional or invalid, it is hereby declared to be the intention of the Legislature to enact, and it does here now
enact and pass, this Act without any such exception, one or more, and if any such exception, one or more, be invalid, then such exception alone shall fail and be held for naught, and the remainder of the Act shall be and remain unimpaired, and it is so enacted.

CHAPTER 642. IDENTIFYING MARKINGS ON COMMERCIAL MOTOR VEHICLES

Sec. 642.001. DEFINITIONS

Sec. 642.002. IDENTIFYING MARKINGS ON CERTAIN VEHICLES REQUIRED; OFFENSE; PENALTY

Sec. 642.003. NONAPPLICABILITY

CHAPTER 642. IDENTIFYING MARKINGS ON COMMERCIAL MOTOR VEHICLES

Revised Law

Sec. 642.001. DEFINITIONS. In this chapter:

(1) "Motor vehicle" means a motor vehicle, other than a motorcycle, that is designed or used primarily for the transportation of persons or property.

(2) "Operator" means the person who is in actual physical control of a motor vehicle.

(3) "Owner" means a person who has:

(A) legal title to a motor vehicle; or

(B) the right to possess or control the vehicle.

(4) "Road-tractor" means a motor vehicle that is:

(A) used for towing manufactured housing; or

(B) designed and used for drawing other vehicles and not constructed so as to carry any load independently or as a part of the weight of a vehicle or load it is drawing.

(5) "Truck-tractor" means a motor vehicle that:

(A) transports passenger cars loaded on the vehicle while the vehicle is engaged with a semitrailer transporting passenger cars; or

(B) is designed or used primarily for pulling other vehicles and constructed to carry only a part of the weight of a vehicle it is pulling. (V.A.C.S. Art. 6701b-1, Secs. 1(1), (3), (4), (6), (7).)
Art. 6701b-1  
Sec. 1. In this article:

(1) "Commercial motor vehicle" means a motor vehicle, other than a motor cycle, designed or used primarily for the transportation of persons or property.

(3) "Operator" means a person who is in actual physical control of a motor vehicle.

(4) "Owner" means a person who holds legal title to a motor vehicle or who has the legal right to possess or to control a motor vehicle.

(6) "Truck-tractor" means a motor vehicle designed or used primarily for pulling other vehicles and constructed only to carry a part of the weight of the vehicle pulled, but includes a motor vehicle that transports passenger cars loaded on itself while engaged with a semitrailer transporting passenger cars.

(7) "Road-tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or as any part of the weight of a vehicle or load so drawn; for purposes of this article such term also includes motor vehicles used for towing manufactured housing.

Reviser's Note

(1) Section 1(1), V.A.C.S. Article 6701b-1, defines "commercial motor vehicle" as "a motor vehicle, other than a motor cycle, designed or used primarily for the transportation of persons or property." The revised law omits "commercial" because there is no requirement in the definition provided by Section 1(1) that the motor vehicle be used in a commercial manner. In addition, any motor vehicle is designed or used primarily for the transportation of persons or property.

(2) Section 1(5), V.A.C.S. Article 6701b-1, defines the term "person" as having the meaning assigned by the Code Construction Act. The revised law omits that definition because Chapter 311, Government Code (Code Construction Act), is applicable to the revised law. The omitted definition reads as follows:

(5) "Person" has the meaning assigned by the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes).
Sec. 642.002. IDENTIFYING MARKINGS ON CERTAIN VEHICLES REQUIRED; OFFENSE; PENALTY. (a) A person commits an offense if:

(1) the person operates on a public street, road, or highway:

(A) a commercial motor vehicle that has three or more axles;

(B) a truck-tractor; or

(C) a road-tractor; and

(2) the vehicle does not have on each side of the power unit identifying markings that:

(A) show the name of the owner or operator of the vehicle; and

(B) have clearly legible letters and numbers of a height of at least two inches.

(b) An offense under this section is a Class C misdemeanor.

(V.A.C.S. Art. 6701b-1, Secs. 2, 4.)

Source Law

Sec. 2. (a) A commercial motor vehicle having three or more axles, truck-tractor, or road-tractor that is operated on a public street, road, or highway of this state shall have identifying markings on each side of the power unit.

(b) The identifying markings must be in clearly legible letters or numbers that are not less than two inches in height.

(c) The identifying markings must show the name of the owner, operator, or lessee of the commercial motor vehicle, truck-tractor, or road-tractor.

Sec. 4. (a) A person commits an offense if the person operates or causes or permits to be operated on a street, road, or highway of this state a commercial motor vehicle, truck-tractor, or road-tractor that does not comply with the requirements of Section 2 of this article.

(b) An offense under this section is a Class C misdemeanor.

Revisor's Note

(1) Section 2(c), V.A.C.S. Article 6701b-1, refers to the "owner, operator, or lessee of the commercial motor vehicle." The revised law omits the
reference to a "lessee" as unnecessary because all lessees are excepted from the application of the revised law under Section 642.003. A lessee of a commercial motor vehicle violates Chapter 641 of this code if the lessee does not have the lessee's name on the commercial motor vehicle. The revised law also omits as unnecessary the definition of "lessee" provided by Section 1(2), V.A.C.S. Article 6701b-1. Under the revised law, the term "lessee" means only a person who operates a commercial motor vehicle under an agreement under Chapter 641. The omitted definition reads as follows:

(2) "Lessee" means a person operating, or causing or permitting to be operated, a commercial motor vehicle under a lease, memorandum, or agreement executed under Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701c-1, Vernon's Texas Civil Statutes).

(2) Section 4(a), V.A.C.S. Article 6701b-1, provides that a person commits an offense if the person "causes or permits to be operated" a noncomplying commercial motor vehicle, truck-tractor, or road-tractor. The revised law omits this provision as unnecessary because the criminal responsibility of a person for the conduct of another person is established in Chapter 7, Penal Code, which is applicable to the revised law.

(3) The revised law omits as unnecessary the references in Sections 2(a) and 4 of V.A.C.S. Article 6701b-1 to a public street, road, or highway "of this state."

Revised Law
Sec. 642.003. NONAPPLICABILITY. Section 642.002 does not apply to:

(1) a commercial motor vehicle, road-tractor, or
truck-tractor that is:

(A) registered under Section 502.163;

(B) operated under a lease, memorandum, or agreement that complies with Chapter 641;

(C) operated under the control, supervision, or authority of a motor carrier subject to Section 18, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes) or exempt under Section 18A, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes);

(D) required to be registered under Section 113.131, Natural Resources Code;

(E) operated in private carriage that is subject to Title 49, Code of Federal Regulations, Part 397.21;

(F) operated under the direct control, supervision, or authority of a public utility, as recognized by the legislature, that is otherwise visibly marked; or

(G) transporting timber products in their natural state from first point of production or harvest to first point of processing; or

(2) a commercial motor vehicle operated under the control, supervision, or authority of a motor bus company that has been issued a certificate under Chapter 270, Acts of the 40th Legislature, Regular Session, 1927 (Article 911a, Vernon's Texas Civil Statutes), by the Railroad Commission of Texas. (V.A.C.S. Art. 6701b-1, Sec. 3.)

Source Law

Sec. 3. This article does not apply to:

(1) a commercial motor vehicle operated under the control, supervision, or authority of a motor bus company that has a certificate issued by the Railroad Commission of Texas under Chapter 270, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 911a, Vernon's Texas Civil Statutes); or

(2) a commercial motor vehicle, truck-tractor, or road-tractor operated under the control, supervision, or authority of a motor carrier that is subject to Section 18 or exempt under Section 18a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes).
Civil Statutes); or
(3) a commercial motor vehicle,
truck-tractor, or road-tractor required to be
registered under Section 113.131, Chapter 113, Natural
Resources Code; or
(4) any commercial motor vehicle,
truck-tractor, or road-tractor registered under Section
6a, Chapter 88, General Laws, Acts of the 41st
Legislature, 2nd Called Session, 1929, as amended
(Article 6675a-6a, Vernon's Texas Civil Statutes); or
(5) a commercial motor vehicle,
truck-tractor, or road-tractor operated under the
control, supervision, or authority of a person through
the execution of a bona fide lease, memorandum, or
agreement in compliance with Chapter 209, Acts of the
53rd Legislature, Regular Session, 1953, as amended
(Article 6701c-1, Vernon's Texas Civil Statutes); or
(6) any commercial motor vehicle,
truck-tractor, or road-tractor operated under the
direct control, supervision, or authority of a bona
fide public utility, as recognized by the Texas
Legislature, that is otherwise visibly marked; or
(7) any commercial motor vehicle,
truck-tractor, or road-tractor operated in private
carriage that is subject to Title 49, Code of Federal
Regulations, Part 397.21; or
(8) any commercial motor vehicle,
truck-tractor, or road-tractor transporting timber
products in their natural state from first point of
production or harvest to first point of processing.

Reviser's Note
(1) Section 3(4), V.A.C.S. Article 6701b-1,
refers to Section 6a, Chapter 88, General Laws, Acts of
the 41st Legislature, 2nd Called Session, 1929 (Article
6675a-6a, Vernon's Texas Civil Statutes). That section
is codified in this code as Section 502.163, and the
revised law is drafted accordingly.
(2) Section 3(5), V.A.C.S. Article 6701b-1,
refers to Chapter 209, Acts of the 53rd Legislature,
Regular Session, 1953 (Article 6701c-1, Vernon's Texas
Civil Statutes). That act is codified in this code as
Chapter 641, and the revised law is drafted
accordingly.
(3) Section 3(5), V.A.C.S. Article 6701b-1,
refers to a "bona fide lease, memorandum, or agreement"
in compliance with V.A.C.S. Article 6701c-1. The
revised law omits "bona fide" as unnecessary.
(4) Section 3(7), V.A.C.S. Article 6701b-1,
referred to a "bona fide public utility, as recognized by the Texas Legislature." The revised law omits "bona fide" as unnecessary.

[Chapters 643-660 reserved for expansion]

SUBTITLE G. MOTORCYCLES AND ALL-TERRAIN VEHICLES

CHAPTER 661. PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS AND PASSENGERS

Sec. 661.001. DEFINITIONS

Sec. 661.002. DEPARTMENT TO PRESCRIBE MINIMUM SAFETY STANDARDS FOR PROTECTIVE HEADGEAR

Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR

Sec. 661.004. AUTHORITY OF PEACE OFFICER TO INSPECT PROTECTIVE HEADGEAR

SUBTITLE G. MOTORCYCLES AND ALL-TERRAIN VEHICLES

CHAPTER 661. PROTECTIVE HEADGEAR FOR MOTORCYCLE OPERATORS AND PASSENGERS

Revised Law

Sec. 661.001. DEFINITIONS. In this chapter:

(1) "Motorcycle" means a motor vehicle designed to propel itself with not more than three wheels in contact with the ground, and having a saddle for the use of the rider. The term does not include a tractor or a three-wheeled vehicle equipped with a cab, seat, and seat belt and designed to contain the operator in the cab.

(2) "Department" means the Department of Public Safety. (V.A.C.S. Art. 6701c-3, Sec. 1; New.)

Source Law

Art. 6701c-3
Sec. 1. In this Act, "motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to propel itself with not more than three wheels in contact with the ground, but excluding a tractor or any three-wheeled vehicle equipped with a cab, seat and seat belt and designed to contain the operator of the vehicle within the cab.
Revisor's Note

The definition of "department" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 661.002. DEPARTMENT TO PRESCRIBE MINIMUM SAFETY STANDARDS FOR PROTECTIVE HEADGEAR. (a) To provide for the safety and welfare of motorcycle operators and passengers, the department shall prescribe minimum safety standards for protective headgear used by motorcyclists in this state.

(b) The department may adopt any part or all of the American National Standards Institute's standards for protective headgear for vehicular users.

(c) On request of a manufacturer of protective headgear, the department shall make the safety standards prescribed by the department available to the manufacturer. (V.A.C.S. Art. 6701c-3, Secs. 3, 4.)

Source Law

Sec. 3. The department shall prescribe minimum safety standards for protective headgear used by motorcyclists in this state in order to provide for the safety and welfare of motorcycle operators and passengers. The department may adopt all or any part of the standards of the United States of America Standards Institute for protective headgear for vehicular users.

Sec. 4. The department shall make the safety standards it prescribes for protective headgear available to each manufacturer of protective headgear upon request of the manufacturer.

Revisor's Note

Section 3 of Article 6701c-3 refers to the United States of America Standards Institute. The United States of America Standards Institute is now known as the American National Standards Institute. The revised law is drafted accordingly.
Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR. (a) A person commits an offense if the person:

(1) operates or rides as a passenger on a motorcycle on a public street or highway; and

(2) is not wearing protective headgear that meets safety standards adopted by the department.

(b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger who is not wearing protective headgear that meets safety standards adopted by the department.

(c) It is a defense to prosecution under this section that at the time the offense was committed, the person required to wear protective headgear:

(1) was at least 18 years old; and

(2) presented a medical exemption complying with Subsection (d) to the peace officer who arrested the person.

(d) Only a practicing physician licensed by the Texas State Board of Medical Examiners may issue a medical exemption and the physician may issue the medical exemption only to a person who has an acute head or facial injury that would be worsened if the person wore protective headgear. The medical exemption must be on a form prescribed by the department and expires on the 10th day after the date it is issued.

(e) An offense under this section is a misdemeanor punishable by a fine of not less than $10 or more than $50.

(V.A.C.S. Art. 6701c-3, Secs. 2, 7.)
wears protective headgear that meets standards adopted by the Department of Public Safety.

(b) It is a defense to prosecution under Subsection (a) of this section that, at the time the offense was committed, the person required by Subsection (a) of this section to wear protective headgear:

1. was 18 years of age or older; and
2. presented to the arresting peace officer a medical exemption that conforms to the requirements of Subsections (c) and (d) of this section.

(c) A medical exemption may only be issued by a practicing physician licensed to practice medicine by the Texas State Board of Medical Examiners to a person who has sustained an acute head or facial injury that would be worsened if the person wore protective headgear.

(d) A medical exemption:
1. must be on a form prescribed by the Department of Public Safety; and
2. expires on the 10th day after the date it is issued.

Sec. 7. A person who violates Section 2 of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $10 nor more than $50.

Revisor's Note

(1) The revised law omits as unnecessary the reference in Section 2(a) of Article 6701c-3 to the defense to prosecution provided by Section 2(b) of that article.

(2) The revised law omits as unnecessary the references in Section 2(a) of Article 6701c-3 to a public street or highway "of this state."

Revised Law

Sec. 661.004. AUTHORITY OF PEACE OFFICER TO INSPECT PROTECTIVE HEADGEAR. Any peace officer may stop and detain a person who is a motorcycle operator or passenger to inspect the person's protective headgear for compliance with the safety standards prescribed by the department. (V.A.C.S. Art. 6701c-3, Sec. 5.)

Source Law

Sec. 5. Any peace officer may stop and detain any motorcycle operator or passenger for the purpose of inspecting his protective headgear to determine if the headgear is of a style and make that meets standards
CHAPTER 662. MOTORCYCLE OPERATOR TRAINING AND SAFETY

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CHAPTER 662. MOTORCYCLE OPERATOR TRAINING AND SAFETY

Revised Law

Sec. 662.001. DESIGNATED STATE AGENCY. The governor shall
designate a state agency to establish and administer a motorcycle
operator training and safety program. (V.A.C.S. Art. 6701c-4, Sec.
1 (part).)

Source Law

Art. 6701c-4
Sec. 1. The governor shall designate a state
agency to establish and administer a motorcycle
operator training and safety program. . . .

Revised Law

Sec. 662.002. PURPOSE OF PROGRAM; CURRICULUM. (a) The
purpose of the motorcycle operator training and safety program is:

(1) to make available to motorcycle operators:

(A) information relating to the operation of

motorcycles; and

(B) courses in knowledge, skills, and safety

relating to the operation of motorcycles; and

(2) to provide information to the public on sharing
roadways with motorcycles.

(b) The program shall include curricula developed by the Motorcycle Safety Foundation. (V.A.C.S. Art. 6701c-4, Sec. 1 (part).)

Source Law

Sec. 1. . . . The purpose of the program is to make available to all motorcycle operators in this state information and courses in knowledge, skills, and safety relating to the operation of motorcycles and to provide information to the general public on sharing the roadway with motorcycles. The program shall use, but not be limited to, curricula . . . requirements developed by the Motorcycle Safety Foundation. . . .

Revisor's Note

Section 1, V.A.C.S. Article 6701c-4, states that the motorcycle operator training and safety program is to "use, but is not limited to" the specified curricula. The revised law substitutes "include" for "use" and omits "but is not limited to" because under Section 311.005, Government Code (Code Construction Act), and 312.011, Government Code, "includes" is a term of enlargement and not of limitation, and use of the term does not create a presumption that components not expressed are excluded.

Revised Law

Sec. 662.003. PROGRAM DIRECTOR. The designated state agency shall employ as program director a person who is certified as a chief instructor by the Motorcycle Safety Foundation. (V.A.C.S. Art. 6701c-4, Sec. 1 (part).)

Source Law

Sec. 1. . . . The designated agency shall employ a Motorcycle Safety Foundation certified chief instructor as program director. . . .

Revised Law

Sec. 662.004. MOTORCYCLE SAFETY COORDINATOR. (a) The designated state agency shall employ a motorcycle safety

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coordinator.

(b) The coordinator shall supervise the motorcycle operator training and safety program and shall determine:

(1) locations at which courses will be provided;
(2) fees for the courses;
(3) qualifications for instructors;
(4) instructor certification requirements; and
(5) eligibility requirements for program sponsors.

(c) The program must include instructor certification requirements developed by the Motorcycle Safety Foundation.

(V.A.C.S. Art. 6701c-4, Secs. 1 (part), 2(a), (b).)

Source Law

Sec. 1. ... The program shall use, but not be limited to, ... instructor certification requirements developed by the Motorcycle Safety Foundation... .

Sec. 2. (a) The division or agency administering the program shall employ a motorcycle safety coordinator.
(b) The coordinator is responsible for supervising the program, including determining:

(1) locations at which the courses will be offered;
(2) fees for the courses;
(3) qualifications for instructors and instructor certification requirements; and
(4) eligibility requirements for program sponsors.

Reviser's Note

(1) Section 2(a), V.A.C.S. Article 6701c-4, refers to the "division or agency administering the program." As originally enacted in 1983, Article 6701c-4 allowed the governor to designate either a state agency or a division of the governor's office to establish and administer the motorcycle operator training and safety program. Section 1, Article 6701c-4, was amended by Chapter 842, Acts of the 71st Legislature, Regular Session, 1989. Part of that amendment eliminated the governor's authority to designate a division in the governor's office to...
administer the program. Accordingly, the revised law
omits the reference to "division" as unnecessary.

(2) Section 1, V.A.C.S. Article 6701c-4, states
that the motorcycle operator training and safety
program is to "use, but is not limited to" the
specified instructor certification requirements. The
revised law substitutes "include" for "use" and omits
"but is not limited to" for the reason stated in the
revisor's note under Section 662.002 of this chapter.

Revised Law
Sec. 662.005. CONTRACTS. The designated state agency may
license or contract with qualified persons to administer or operate
the motorcycle operator training and safety program. (V.A.C.S.
Art. 6701c-4, Sec. 1 (part).)

Source Law
Sec. 1. . . . The designated agency shall have
the authority to license and/or contract with qualified
individuals, associations, partnerships, corporations,
or educational or governmental agencies to administer
and/or operate the program. . . .

Revisor's Note
Section 1, V.A.C.S. Article 6701c-4, refers to
"individuals, associations, partnerships, corporations,
or educational or governmental agencies." The revised
law substitutes "persons" for "individuals,
associations, partnerships, corporations, or
educational or governmental agencies" because each of
those entities is included in the definition of
"person" provided by Section 311.005(2), Government
Code (Code Construction Act), applicable to the revised
law.

Revised Law
Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. A person
may not offer training in motorcycle operation for a consideration
unless the person is licensed by or contracts with the designated state agency. (V.A.C.S. Art. 6701c-4, Sec. 1 (part).)

Source Law

Sec. 1. ... No individual, association, partnership, corporation, or educational or governmental agency shall offer training in motorcycle operation for tuition, consideration, or fee without such authorization. ...

Revisor's Note

(1) Section 1, V.A.C.S. Article 6701c-4, refers to an "individual, association, partnership, corporation, or educational or governmental agency." The revised law substitutes "person" for "individual, association, partnership, corporation, or educational or governmental agency" for the reason stated in the reviser's note under Section 662.005.

(2) Section 1, V.A.C.S. Article 6701c-4, refers to "tuition, consideration, or fee." The references to "tuition" and "fee" are omitted from the revised law because "tuition" and "fee" are included within the meaning of "consideration."

Revised Law

Sec. 662.007. FEE FOR COURSE. A person may charge, for a course under the motorcycle operator training and safety program, a fee that is reasonably related to the costs of administering the course. (V.A.C.S. Art. 6701c-4, Sec. 4(d).)

Source Law

(d) A fee may be charged for a course under the program that is reasonable in relation to the costs of administering the course.

Revised Law

Sec. 662.008. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The designated state agency may deny, suspend, or cancel its approval for a program sponsor to conduct or for an
instructor to teach a course offered under this chapter if the applicant, instructor, or sponsor:

(1) does not satisfy the requirements established under this chapter to receive or retain approval;

(2) permits fraud or engages in a fraudulent practice with reference to an application to the agency;

(3) induces or countenances fraud or a fraudulent practice by a person applying for a driver's license or permit;

(4) permits fraud or engages in a fraudulent practice in an action between the applicant or license holder and the public; or

(5) fails to comply with rules of the state agency.

(b) Before the designated state agency may deny, suspend, or cancel the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code;

(2) Article 6252-13c, Revised Statutes; and

(3) Sections 2 through 5, Chapter 267, Acts of the 67th Legislature, Regular Session, 1981 (Article 6252-13d, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701c-4, Secs. 2(c), (d).)
Revisor's Note
Section 2(d), V.A.C.S. Article 6701c-4, refers to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). The pertinent portion of that statute was codified in 1993 as Chapter 2001, Government Code. The revised law is drafted accordingly.

Revised Law
Sec. 662.009. RULES. The designated state agency may adopt rules to administer this chapter. (V.A.C.S. Art. 6701c-4, Sec. 2(e).)

Source Law (e) The designated agency may adopt rules that it determines are necessary to administer this article effectively.

Revised Law
Sec. 662.010. NONAPPLICABILITY OF CERTAIN OTHER LAW.
Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), does not apply to training offered under this article. (V.A.C.S. Art. 6701c-4, Sec. 1 (part).)

Source Law
Sec. 1. . . . Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), concerning commercial driver training schools and instructors, does not apply to training offered under this article.

Revisor's Note (End of Chapter)
The revised law omits Sections 4(a), (b), and (c), V.A.C.S. Article 6701c-4, relating to the motorcycle education fund because the comptroller of public accounts, acting under authority of Section 403.094(a), Government Code, abolished that fund,
effective August 31, 1993. The revised law omits the dedication of the money deposited in that fund because Section 403.094(h), Government Code, provides that all statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. The dedication in Section 4, V.A.C.S. Article 6701c-4, was enacted in 1983 and was not reenacted after September 1, 1991. As omitted, Sections 4(a), (b), and (c), V.A.C.S. Article 6701c-4, read as follows:

Sec. 4. (a) The motorcycle education fund is established in the state treasury. Except as provided by Subsection (c) of this section, money in the fund may be expended only to defray the costs of administering the motorcycle operator training and safety program.

(b) A portion of each annual registration fee for a motorcycle or moped shall be deposited to the credit of the motorcycle education fund in accordance with Subsection (c-1), Section 10, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-10, Vernon's Texas Civil Statutes).

(c) The unexpended and unencumbered balance in the fund at the end of each fiscal year may be appropriated for the motorcycle operator training and safety program or for any other purpose relating to maintaining or policing highways or supervising traffic or promoting safety on the highways.

CHAPTER 663. ALL-TERRAIN VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

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CHAPTER 663. ALL-TERRAIN VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 663.001. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" means a motor vehicle that
is:

(A) equipped with a saddle for the use of the
rider;

(B) designed to propel itself with three or four
tires in contact with the ground;

(C) designed by the manufacturer for off-highway
use by the operator only; and

(D) not designed by the manufacturer for farming
or lawn care.

(2) "Public property" means property owned or leased
by the state or a political subdivision of the state. (V.A.C.S.
Art. 6701c-5, Sec. 1.)
Art. 6701c-5
Sec. 1. In this article:
(1) "All-terrain vehicle" means a motor vehicle having a saddle for the use of the rider, designed to propel itself with three or four tires in contact with the ground, designed by the manufacturer for off-highway use by the operator only, and not designed by the manufacturer for farming or lawn care.
(2) "Public property" means property owned or leased by the state or a political subdivision of the state.

Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a) Chapter 521 does not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation.
(b) Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), does not apply to instruction in the operation of an all-terrain vehicle provided under the operator education and certification program established by this chapter. (V.A.C.S. Art. 6701c-5, Sec. 9.)

Sec. 9. (a) The provisions of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), relating to drivers' licenses do not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation.
(b) The provisions of Chapter 332, Acts of the 60th Legislature, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), relating to commercial driver training schools do not apply to instruction in the operation of an all-terrain vehicle provided under the operator education and certification program established by this article.

Section 9(a), V.A.C.S. Article 6701c-5, refers to Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes). That statute is codified in this code as Chapter 521, and the revised law is drafted accordingly.
SUBCHAPTER B. ALL-TERRAIN VEHICLE OPERATOR EDUCATION
AND CERTIFICATION

Revised Law
Sec. 663.011. DESIGNATED DIVISION OR STATE AGENCY. The
governor shall designate a division of the governor's office or a
state agency to establish and administer an all-terrain vehicle
operator education and certification program. (V.A.C.S.
Art. 6701c-5, Sec. 2(a) (part).)

Source Law
Sec. 2. (a) The governor shall designate either
a division of the governor's staff or a state agency to
establish and administer an all-terrain vehicle
operator education and certification program. . . .

Revised Law
Sec. 663.012. PURPOSE OF PROGRAM. The purpose of the
all-terrain vehicle operator education and certification program is
to make available courses in basic training and safety skills
relating to the operation of all-terrain vehicles and to issue
safety certificates to operators who successfully complete the
educational program requirements or pass a test established under
the program. (V.A.C.S. Art. 6701c-5, Sec. 2(a) (part).)

Source Law
(a) . . . The purpose of the program is to make
available to all-terrain vehicle operators in this
state courses in basic training and safety skills
relating to the operation of all-terrain vehicles and
to issue safety certificates to operators who
successfully complete the education program or pass a
test established under the program.

Revised Law
Sec. 663.013. ALL-TERRAIN VEHICLE SAFETY COORDINATOR. (a)
The designated division or state agency shall employ an all-terrain
vehicle safety coordinator.
The coordinator shall supervise the all-terrain vehicle operator education and certification program and shall determine:

1. locations at which courses will be offered;
2. fees for the courses;
3. qualifications of instructors;
4. course curriculum; and
5. standards for operator safety certification.

(c) In establishing standards for instructors, curriculum, and operator certification, the coordinator shall consult and be guided by standards established by recognized all-terrain vehicle safety organizations. (V.A.C.S. Art. 6701c-5, Secs. 3(a), (b), (c).)

Source Law
Sec. 3. (a) The division or agency administering the program shall employ an all-terrain vehicle safety coordinator.

(b) The coordinator is responsible for supervising the program, including determining:

1. locations at which the courses will be offered;
2. fees for the courses;
3. qualifications of instructors;
4. course curriculum; and
5. standards for operator safety certification.

(c) In establishing standards for instructors, curriculum, and operator certification, the coordinator shall consult and be guided by standards established by recognized all-terrain vehicle safety organizations.

Revised Law
Sec. 663.014. CONTRACTS. To administer the education program and certify all-terrain vehicle operators, the designated division or state agency may contract with nonprofit safety organizations, nonprofit educational organizations, or agencies of local governments. (V.A.C.S. Art. 6701c-5, Sec. 2(b).)

Source Law
(b) The designated division or agency may contract with nonprofit safety or education organizations or agencies of local governments to administer the education program and certify operators.
Revised Law

Sec. 663.015. TEACHING AND TESTING METHODS. (a) If the all-terrain vehicle safety coordinator determines that vehicle operation is not feasible in a program component or at a particular program location, the operator education and certification program for persons who are at least 14 years of age may use teaching or testing methods that do not involve the actual operation of an all-terrain vehicle.

(b) An operator safety certificate may not be issued to a person younger than 14 years of age unless the person has successfully completed a training course that involves the actual operation of an all-terrain vehicle. (V.A.C.S. Art. 6701c-5, Sec. 3(d).)

Source Law

(d) The operator education and certification program provided for persons 14 years of age or older may utilize teaching or testing methods which do not involve the actual operation of an all-terrain vehicle if the coordinator determines that vehicle operation is not feasible in that program component or at a particular program location, but no operator safety certificate may be issued to a person younger than 14 years of age unless and until that person has successfully completed a training course involving the actual operation of an all-terrain vehicle.

Revised Law

Sec. 663.016. FEE FOR COURSE. A person may charge, for a course under the all-terrain vehicle operator education and certification program, a fee that is reasonably related to the costs of administering the course. (V.A.C.S. Art. 6701c-5, Sec. 4(d).)

Source Law

(d) A fee may be charged for a course under the program that is reasonable in relation to the costs of administering the course.

Revised Law

Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The designated division or state agency may deny,
suspend, or cancel its approval for a program sponsor to conduct or for an instructor to teach a course offered under this chapter if the applicant, sponsor, or instructor:

(1) does not satisfy the requirements established under this chapter to receive or retain approval;
(2) permits fraud or engages in fraudulent practices with reference to an application to the division or agency;
(3) induces or countenances fraud or fraudulent practices by a person applying for a driver's license or permit;
(4) permits or engages in a fraudulent practice in an action between the applicant or license holder and the public; or
(5) fails to comply with rules of the division or agency.

(b) Before the designated division or agency may deny, suspend, or cancel the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code;
(2) Article 6252-13c, Revised Statutes; and
(3) Sections 2 through 5, Chapter 267, Acts of the 67th Legislature, Regular Session, 1981 (Article 6252-13d, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701c-5, Secs. 2(c), (d)).

Source Law

(c) The designated division or agency may deny, suspend, or cancel its approval for a program sponsor to conduct a course or for an instructor to teach courses offered under this article, if the applicant, instructor, or program sponsor:
(1) does not meet the requirements established under this article to receive or retain approval;
(2) permits fraud or engages in fraudulent practices with reference to an application to the designated division or agency, induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license or permit, or permits or engages in any other fraudulent practice in any action between the applicant or licensee and the public; or
(3) does not comply with the rules and regulations of the designated division or agency.

(d) If there is cause to deny, suspend, or cancel the approval of a program sponsor or instructor, notice and an opportunity for hearing must be given as
provided by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes); Article 6252-13c, Revised Statutes; and Sections 2-5, Chapter 267, Acts of the 67th Legislature, Regular Session, 1981 (Article 6252-13d, Vernon's Texas Civil Statutes).

Revisor's Note
(1) Section 2(c), V.A.C.S. Article 6701c-5, refers to "rules and regulations." The reference to "regulations" is omitted from the revised law because under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation. That definition applies to the revised law.

(2) Section 2(d), V.A.C.S. Article 6701c-5, refers to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). The pertinent portion of that statute was codified in 1993 as Chapter 2001, Government Code. The revised law is drafted accordingly.

Revised Law
Sec. 663.018. RULES. The designated division or state agency may adopt rules to administer this chapter. (V.A.C.S. Art. 6701c-5, Sec. 2(e).)

Source Law
(e) The designated division or agency may adopt rules that it determines are necessary to effectively administer this article.

Revised Law
Sec. 663.019. EXEMPTIONS. The designated division or state agency by rule may temporarily exempt the residents of any county from Section 663.015 or from Section 663.031(a)(1) until the appropriate education and certification program is established at a location that is reasonably accessible to the residents of that county. (V.A.C.S. Art. 6701c-5, Sec. 2(f).)
Source Law

(f) The designated division or agency may by rule temporarily exempt the residents of any county or counties from the requirement of Section 5 of this article to hold a safety certificate or from the requirement of Section 3 of this article to complete a course involving actual operation of an all-terrain vehicle until such times as the appropriate education and certification program needed to meet those requirements is established at a location reasonably accessible to the residents of that county.

Reviser's Note

(End of Subchapter)

(1) The revised law omits the reference in Section 4(a), V.A.C.S. Article 6701c-5, to the "all-terrain vehicle safety fund in the state treasury." Acting under authority of Section 403.094(a), Government Code, the comptroller abolished the all-terrain vehicle safety fund effective August 31, 1993. The omitted part of Section 4(a), V.A.C.S. Article 6701c-5, reads as follows:

Sec. 4. (a) The all-terrain vehicle safety fund is established in the State Treasury. . . .

(2) The revised law omits that part of Section 4(a), V.A.C.S. Article 6701c-5, that dedicates money in the all-terrain vehicle safety fund for the administration of the all-terrain vehicle operator education and certification program. Section 403.094(h), Government Code, provides that all statutory dedications of revenue enacted before August 31, 1995, are void unless reenacted after September 1, 1991. The dedication in Section 4(a), V.A.C.S. Article 6701c-5, was enacted in 1987 and was not reenacted after September 1, 1991. The omitted part of Section 4(a), V.A.C.S. Article 6701c-5, reads as follows:

Except as provided by Subsection (c) of this section, money in the fund may be spent only to defray the costs of administering the all-terrain vehicle operator education and certification
(3) The revised law omits Section 4(b), V.A.C.S. Article 6701c-5, as unnecessary. In part, that section requires the registered owner of an all-terrain vehicle to pay an all-terrain vehicle safety fee when the owner registers the vehicle. This provision is omitted because it duplicates Section 5(c), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-5(c), Vernon's Texas Civil Statutes), which is codified in this code as Section 502.169. The omitted Section 4(b) also requires that the all-terrain vehicle safety fee be deposited to the credit of the all-terrain vehicle safety fund, in accordance with Subsection (c-3), Section 10, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-10, Vernon's Texas Civil Statutes). This provision is omitted for the reason stated by Revisor's Note (2), above. As omitted, Section 4(b), V.A.C.S. Article 6701c-5, reads as follows:

(b) At the time of annual registration of an all-terrain vehicle, other than an all-terrain vehicle registered by this state, a county, or a municipality, each registered owner of the vehicle shall pay an all-terrain vehicle safety fee that shall be deposited to the credit of the all-terrain vehicle safety fund in accordance with Subsection (c-3), Section 10, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-10, Vernon's Texas Civil Statutes).

(4) The revised law omits Section 4(c), V.A.C.S. Article 6701c-5, dedicating unspent and unencumbered money in the all-terrain vehicle safety fund for the reason stated in Revisor's Note (2), above. As omitted, Section 4(c), V.A.C.S. Article 6701c-5, reads as follows:

(c) The unexpended and unencumbered balance in the fund at the end of each
fiscal year may be appropriated for the all-terrain vehicle operator education and certification program or for any other purpose relating to acquiring, maintaining, or policing all-terrain vehicle trails or user-areas.

Sections 663.020-663.030 reserved for expansion

SUBCHAPTER C. OPERATION OF ALL-TERRAIN VEHICLES

Revised Law

Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an all-terrain vehicle on public property unless the person:

(1) holds a safety certificate issued under this chapter or under the authority of another state;

(2) is taking a safety training course under the direct supervision of a certified all-terrain vehicle safety instructor; or

(3) is under the direct supervision of an adult who holds a safety certificate issued under this chapter or under the authority of another state.

(b) A person to whom a safety certificate required by Subsection (a) has been issued shall:

(1) carry the certificate when the person operates an all-terrain vehicle on public property; and

(2) display the certificate at the request of any law enforcement officer. (V.A.C.S. Art. 6701c-5, Secs. 5(a), (c).)

Source Law

Sec. 5. (a) A person may not operate an all-terrain vehicle on public property unless the person satisfies one of the following conditions:

(1) the person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor;

(2) the person is under the direct supervision of an adult who holds an appropriate safety certificate issued under this article or under the authority of another state; or

(3) the person holds an appropriate safety certificate issued under this article or under the authority of another state.

(c) The safety certificate required by this section shall be carried by the person to whom the certificate was issued at all times while operating an
all-terrain vehicle on public property and shall be displayed upon the request of any law enforcement officer.

**Revised Law**

Sec. 663.032. OPERATION BY PERSON YOUNGER THAN 14. A person younger than 14 years of age who is operating an all-terrain vehicle must be accompanied by and be under the direct supervision of:

(1) the person's parent or guardian; or

(2) an adult who is authorized by the person's parent or guardian. (V.A.C.S. Art. 6701c-5, Sec. 5(b).)

**Source Law**

(b) A person younger than 14 years of age who is operating an all-terrain vehicle must also be accompanied by and under the direct supervision of a parent or guardian or an adult who is authorized by the parent or guardian of the person who is operating the all-terrain vehicle.

**Revised Law**

Sec. 663.033. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a) An all-terrain vehicle that is operated on public property must be equipped with:

(1) a brake system maintained in good operating condition;

(2) an adequate muffler system in good working condition; and

(3) a United States Forest Service qualified spark arrester.

(b) An all-terrain vehicle that is operated on public property must display a lighted headlight and taillight:

(1) during the period from one-half hour after sunset to one-half hour before sunrise; and

(2) at any time when visibility is reduced because of insufficient light or atmospheric conditions.

(c) A person may not operate an all-terrain vehicle on public property if:
(1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device; or

(2) the spark arrester has been removed or modified, unless the vehicle is being operated in a closed-course competition event.

(d) The coordinator may exempt all-terrain vehicles that are participating in certain competitive events from the requirements of this section. (V.A.C.S. Art. 6701c-5, Secs. 8(a), (b), (c), (d) (part), (e).)

Source Law

Sec. 8. (a) An all-terrain vehicle operated on public property during hours of darkness must display a lighted headlight and taillight. These lights must be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.

(b) An all-terrain vehicle operated on public property must be equipped with a brake system maintained in good operating condition.

(c) An all-terrain vehicle operated on public property must be equipped with an adequate muffler system in good working condition and a United States Forest Service qualified spark arrester.

(d) A person operating an all-terrain vehicle on public property may not:

(2) operate an all-terrain vehicle with an exhaust system modified with a cutout, bypass, or similar device; or

(3) operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

(e) All-terrain vehicles participating in certain competitive events may be exempted from this section at the discretion of the coordinator.

Revisor's Note

Section 8(d)(1), V.A.C.S. Article 6701c-5, prohibits a person operating an all-terrain vehicle on public property from equipping the exhaust system with a cutout, bypass, or similar device. The revised law omits this provision because the conduct is prohibited in Subsection (c) of the revised law. The omitted provision reads:

[(d) A person operating an all-terrain vehicle on public property may not:]
(1) equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device...

Revised Law

Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not operate, ride, or be carried on an all-terrain vehicle on public property unless the person wears:

(1) a safety helmet that complies with United States Department of Transportation standards; and

(2) eye protection. (V.A.C.S. Art. 6701c-5, Sec. 7(b).)

Source Law

(b) A person may not operate, ride, or be otherwise propelled on an all-terrain vehicle on public property unless the person wears a safety helmet that meets U.S. Department of Transportation standards and wears eye protection.

Revised Law

Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A person may not operate an all-terrain vehicle on public property in a careless or reckless manner that endangers, injures, or damages any person or property. (V.A.C.S. Art. 6701c-5, Sec. 7(a).)

Source Law

Sec. 7. (a) A person may not operate an all-terrain vehicle on public property in a careless or reckless manner so as to endanger or to cause injury or damage to any person or property.

Revised Law

Sec. 663.036. PASSENGERS PROHIBITED. A person may not carry a passenger on an all-terrain vehicle operated on public property. (V.A.C.S. Art. 6701c-5, Sec. 7(c).)

Source Law

(c) A person may not operate an all-terrain vehicle with a passenger on public property.

Revised Law

Sec. 663.037. OPERATION ON PUBLIC ROADWAY PROHIBITED. (a)
A person may not operate an all-terrain vehicle on a public street, road, or highway except as provided by this section.

(b) The operator of an all-terrain vehicle may drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, if the operator:

(1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;

(2) yields the right-of-way to oncoming traffic that is an immediate hazard; and

(3) makes the crossing:

(A) at an angle of approximately 90 degrees to the roadway;

(B) at a place where no obstruction prevents a quick and safe crossing; and

(C) with the vehicle's headlights and taillights lighted.

(c) The operator of an all-terrain vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another public street, road, or highway.

(d) This section does not apply to the operation of an all-terrain vehicle that is owned by the state, a county, or a municipality by a person who is an authorized operator of the vehicle. (V.A.C.S. Art. 6701c-5, Sec. 6.)

Source Law

Sec. 6. (a) Except as provided by this section, an all-terrain vehicle may not be driven or operated on any public street, road, or highway of this state.

(b) A person driving or operating an all-terrain vehicle may cross a public street, road, or highway, other than an interstate or limited access highway, if:

(1) the crossing is made at an angle of approximately 90 degrees to the highway and at a place where an obstruction does not prevent a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(4) in crossing a divided highway, the
crossing is made only at an intersection of the highway
with another public street, road, or highway; and
(5) any headlights and taillights are
lighted when the crossing is made.
(c) This section does not apply to the driving
or operation of an all-terrain vehicle owned by this
state, a county, or a municipality by a person
authorized to operate or drive the vehicle.

Revised Law
Sec. 663.038. VIOLATION OF CHAPTER; OFFENSE. (a) A person
commits an offense if the person violates a provision of this
chapter.
(b) Except as otherwise provided by Title 6 or this title,
an offense under this section is a Class C misdemeanor. (V.A.C.S.
Art. 6701c-5, Sec. 10.)

Source Law
Sec. 10. (a) A person who violates a provision
of this article commits an offense.
(b) Except as provided by other articles of this
title, an offense under this article is a Class C
misdemeanor.

Revisor's Note
Section 10(b), V.A.C.S. Article 6701c-5, refers
to "this title," meaning Title 116, Vernon's Texas
Civil Statutes. Title 116, Vernon's Texas Civil
Statutes, is codified in this title and in Title 6 of
this code, and the revised law is drafted accordingly.

[Chapters 664-679 reserved for expansion]

CHAPTER 680. MISCELLANEOUS PROVISIONS

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