

TRANSPORTATION CODE
SUBTITLE E. VEHICLE SIZE AND WEIGHT
CHAPTER 621. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 621.001. DEFINITIONS. In this chapter:

- (1) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used for:
 - (A) the transportation of property; or
 - (B) delivery purposes.
- (2) "Commission" means the Texas Transportation Commission.
- (3) "Department" means the Texas Department of Transportation.
- (4) "Director" means the executive director of the Texas Department of Transportation.
- (5) "Motor vehicle" means a vehicle that is self-propelled.
- (6) "Semitrailer" means a vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.
- (7) "Trailer" means a vehicle without motive power that is:
 - (A) designed or used to carry property or passengers on its own structure exclusively; and
 - (B) drawn by a motor vehicle.
- (8) "Truck-tractor" means a motor vehicle designed or used primarily for drawing another vehicle:
 - (A) that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or
 - (B) that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.
- (9) "Vehicle" means a mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported on a public highway. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semitrailer but does not include manufactured housing as defined by Chapter 1201, Occupations Code.
- (10) "Single axle weight" means the total weight transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (11) "Tandem axle weight" means the total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (12) "Port of entry" means a place designated by executive order of the president of the United States, by order of the United States secretary of the treasury, or by act of the United States Congress at which a customs officer is authorized to accept entries of merchandise, collect duties, and enforce customs and navigation laws. The term includes a publicly owned or privately owned international port of entry between this state and the United Mexican States.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 14, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1227, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.835, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 313, Sec. 1, eff. Sept. 1, 2005.

Sec. 621.002. VEHICLE REGISTRATION RECEIPT FOR CERTAIN HEAVY VEHICLES. (a) A copy of the registration receipt issued under Section 502.178 for a commercial motor vehicle, truck-tractor, trailer, or semitrailer shall be:

- (1) carried on the vehicle when the vehicle is on a public highway; and
 - (2) presented to an officer authorized to enforce this chapter on request of the officer.
- (b) A copy of the registration receipt is:
- (1) admissible in evidence in any cause in which the gross registered weight of the vehicle is an issue; and
 - (2) prima facie evidence of the gross weight for which the vehicle is registered.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.003. RECIPROCAL AGREEMENT WITH ANOTHER STATE FOR ISSUANCE OF PERMITS. (a) The commission by rule may authorize the director to enter into with the proper authority of another state an agreement that authorizes:

(1) the authority of the other state to issue on behalf of the department to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by this state a permit that authorizes the operation or transportation on a highway in this state of the vehicle or combination of vehicles; and

(2) the department to issue on behalf of the authority of the other state to the owner or operator of a vehicle, or combination of vehicles, that exceeds the weight or size limits allowed by that state a permit that authorizes the operation or transportation on a highway of that state of the vehicle or combination of vehicles.

(b) A permit issued by the authority of another state under an agreement entered into under this section has the same validity in this state as a permit issued by the department.

(c) The holder of a permit issued by the authority of another state under an agreement entered into under this section is subject to all applicable laws of this state and rules of the department.

(d) The department may contract with a third party to act as the department's agent in the processing of a permit application and the distribution of a permit issued by the department under this section.

(e) An agreement entered into under this section may provide for a third party to act as the agent of each state in the processing of a permit application and the distribution of a permit issued by a state under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 515, Sec. 1, eff. Sept. 1, 1997.

Sec. 621.004. ADMISSIBILITY OF CERTIFICATE OF VERTICAL CLEARANCE. In each civil or criminal proceeding in which a violation of this chapter may be an issue, a certificate of the vertical clearance of a structure, including a bridge or underpass, signed by the director is admissible in evidence for all purposes.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.005. EFFECT OF INCREASED LIMITS BY UNITED STATES. If the United States prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 U.S.C. Section 127 on March 18, 1975, for the national system of interstate and defense highways, the increased limits apply to the national system of interstate and defense highways in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.006. RESTRICTED OPERATION ON CERTAIN HOLIDAYS. The department by rule may impose restrictions on the weight and size of vehicles to be operated on state highways on the following holidays only:

- (1) New Year's Day;
- (2) Memorial Day;
- (3) Independence Day;
- (4) Labor Day;
- (5) Thanksgiving Day; and
- (6) Christmas Day.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.007. EVIDENCE OF VIOLATION. (a) In a proceeding in which a violation of a weight restriction under this subtitle may be an issue, a document is admissible as relevant evidence of the violation if:

(1) the document is:
(A) a record kept under Section 621.410; or
(B) a bill of lading, freight bill, weight certification, or similar document that is issued by a person consigning cargo for shipment or engaged in the business of transporting or forwarding cargo; and

(2) the document states:
(A) a gross weight of the vehicle or combination of vehicles and cargo that exceeds a weight restriction under this subtitle; or

(B) a gross weight of the cargo that combined with the empty weight of the vehicle or combination of vehicles exceeds a weight restriction under this subtitle.

(b) This section does not limit the admissibility of any other evidence relating to the violation.
Added by Acts 2001, 77th Leg., ch. 1227, Sec. 3, eff. Sept. 1, 2001.

SUBCHAPTER B. WEIGHT LIMITATIONS

Sec. 621.101. MAXIMUM WEIGHT OF VEHICLE OR COMBINATION. (a) A vehicle or combination of vehicles may not be operated over or on a public highway or at a port-of-entry between Texas and the United Mexican States if the vehicle or combination has:

- (1) a single axle weight heavier than 20,000 pounds, including all enforcement tolerances;
- (2) a tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances;
- (3) an overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

where:

"W" is maximum overall gross weight on the group;

"L" is distance in feet between the axles of the group that are the farthest apart; and

"N" is number of axles in the group; or

(4) tires that carry a weight heavier than the weight specified and marked on the sidewall of the tire, unless the vehicle is being operated under the terms of a special permit.

(b) Notwithstanding Subsection (a)(3), two consecutive sets of tandem axles may carry a gross load of not more than 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. The overall gross weight on a group of two or more consecutive axles may not be heavier than 80,000 pounds, including all enforcement tolerances, regardless of tire ratings, axle spacing (bridge), and number of axles.

(c) This section does not:

(1) authorize size or weight limits on the national system of interstate and defense highways in this state greater than those permitted under 23 U.S. C. Section 127, as amended;

(2) prohibit the operation of a vehicle or combination of vehicles that could be lawfully operated on a highway or road of this state on December 16, 1974; or

(3) apply to a vehicle or combination of vehicles that operates exclusively:

(A) at a private port of entry;

(B) on private roads associated with the port of entry; and

(C) across a public highway between private roads associated with the port of entry under a contract under Section 623.052.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 601, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 941, Sec. 15, eff. Sept. 1, 2001 and Acts 2001, 77th Leg., ch. 1227, Sec. 4, eff. Sept. 1, 2001; Acts 2005, 79th Leg., ch. 313, Sec. 2, eff. Sept. 1, 2005.

Sec. 621.102. COMMISSION'S AUTHORITY TO SET MAXIMUM WEIGHTS. (a) The commission may set the maximum single axle weight, tandem axle weight, or gross weight of a vehicle, or maximum single axle weight, tandem axle weight, or gross weight of a combination of vehicles and loads, that may be moved over a state highway or a farm or ranch road if the commission finds that heavier maximum weight would rapidly deteriorate or destroy the road or a bridge or culvert along the road. A maximum weight set under this subsection may not exceed the maximum set by statute for that weight.

(b) The commission must set a maximum weight under this section by order entered in its minutes.

(c) The commission must make the finding under this section on an engineering and traffic investigation and in making the finding shall consider the width, condition, and type of pavement structures and other circumstances on the road.

(d) A maximum weight or load set under this section becomes effective on a highway or road when appropriate signs giving notice of the maximum weight or load are erected on the highway or road under order of the commission.

(e) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or

623.212 may operate under the conditions authorized by the permit over a road for which the commission has set a maximum weight under this section.

(f) For the purpose of this section, a farm or ranch road is a state highway that is shown in the records of the commission to be a farm-to-market or ranch-to-market road.

(g) This section does not apply to a vehicle delivering groceries, farm products, or liquefied petroleum gas.

(h) Repealed by Acts 2003, 78th Leg., ch. 312, Sec. 77; Acts 2003, 78th Leg., ch. 1325, Sec. 15.74.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.131, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 920, Sec. 19, eff. June 14, 2001; Acts 2001, 77th Leg., ch. 941, Sec. 16, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 312, Sec. 76, 77, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 15.73, 15.74, eff. June 21, 2003.

SUBCHAPTER C. SIZE LIMITATIONS

Sec. 621.201. MAXIMUM WIDTH. (a) The total width of a vehicle operated on a public highway other than a vehicle to which Subsection (b) applies, including a load on the vehicle but excluding any safety device determined by the United States Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type, may not be greater than 102 inches.

(b) The total width of a passenger vehicle and its load may not be greater than eight feet. This subsection does not apply to a motor bus or trolley bus operated exclusively in the territory of a municipality, in suburbs contiguous to the municipality, or in the county in which the municipality is located.

(c) A passenger vehicle may not carry a load extending more than three inches beyond the left side line of its fenders or more than six inches beyond the right side line of its fenders.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.202. COMMISSION'S AUTHORITY TO SET MAXIMUM WIDTH. (a) To comply with safety and operational requirements of federal law, the commission by order may set the maximum width of a vehicle, including the load on the vehicle, at eight feet for a designated highway or segment of a highway if the results of an engineering and traffic study that includes an analysis of structural capacity of bridges and pavements, traffic volume, unique climatic conditions, and width of traffic lanes support the change.

(b) An order under this section becomes effective on the designated highway or segment when appropriate signs giving notice of the limitations are erected.

(c) This section is intended to comply with the Surface Transportation Assistance Act of 1982 (23 U.S.C.A. Section 101 et seq.) and is conditioned on that Act and federal regulations implementing that Act.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.203. MAXIMUM LENGTH OF MOTOR VEHICLE. (a) A motor vehicle, other than a truck-tractor, may not be longer than 45 feet.

(b) A motor bus as defined by Section 502.001 that is longer than 35 feet but not longer than 45 feet may be operated on a highway if the motor bus is equipped with air brakes and has either three or more axles or a minimum of four tires on the rear axle.

(c) The limitation prescribed by Subsection (a) does not apply to a house trailer or towable recreational vehicle or a combination of a house trailer or towable recreational vehicle and a motor vehicle. A house trailer or towable recreational vehicle and motor vehicle combination may not be longer than 65 feet.

(d) In this section, "house trailer" and "towable recreational vehicle" have the meanings assigned by Section 541.201.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1020, Sec. 3, eff. Sept. 1, 1997.

Sec. 621.204. MAXIMUM LENGTH OF SEMITRAILER OR TRAILER. (a) A semitrailer that is operated in a truck-tractor and semitrailer combination may not be longer than 59 feet, excluding the length of the towing device.

(b) A semitrailer or trailer that is operated in a truck-tractor, semitrailer, and trailer combination may not be longer than 28-1/2 feet, excluding the length of the towing device.

(c) The limitations prescribed by this section do not include any safety device determined by regulation of the United

States Department of Transportation or by rule of the Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles.

(d) The limitations prescribed by this section do not apply to a semitrailer or trailer that has the dimensions of a semitrailer or trailer, as appropriate, that was being operated lawfully in this state on December 1, 1982.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 17, eff. Sept. 1, 2001.

Sec. 621.205. MAXIMUM LENGTH OF VEHICLE COMBINATIONS. (a) Except as provided by this section, a combination of not more than three vehicles, including a truck and semitrailer, truck and trailer, truck-tractor and semitrailer and trailer, or a truck-tractor and two trailers, may be coupled together if the combination of vehicles, other than a truck-tractor combination, is not longer than 65 feet.

(b) A passenger car or another motor vehicle that has an unloaded weight of less than 2,500 pounds may not be coupled with more than one other vehicle or towing device at one time. This subsection does not apply to the towing of a disabled vehicle to the nearest intake place for repair.

(c) A motor vehicle, including a passenger car, that has an unloaded weight of 2,500 pounds or more may be coupled with a towing device and one other vehicle.

(d) In this section:

(1) "Passenger car" means a motor vehicle designed to transport 10 or fewer persons simultaneously.

(2) "Towing device" means a device used to tow a vehicle behind a motor vehicle by supporting one end of the towed vehicle above the surface of the road and permitting the wheels at the other end of the towed vehicle to remain in contact with the road.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.206. MAXIMUM EXTENDED LENGTH OF LOAD. (a) A vehicle or combination of vehicles may not carry a load that extends more than three feet beyond its front or, except as permitted by other law, more than four feet beyond its rear.

(b) Subsection (a) does not apply to vehicles collecting garbage, rubbish, refuse, or recyclable materials which are equipped with front-end loading attachments and containers provided that the vehicle is actively engaged in the collection of garbage, rubbish, refuse, or recyclable materials.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 25, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 165, Sec. 30.132, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 941, Sec. 18, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 19.0065, eff. Sept. 1, 2001.

Sec. 621.2061. EXCEPTION TO MAXIMUM EXTENDED LENGTH OF LOAD: CERTAIN MOTOR VEHICLES. Notwithstanding Section 621.206, a trailer may carry a load that extends more than four feet beyond the rear of the trailer if the load consists of a motor vehicle that:

(1) is designed and intended to be carried at the rear of the trailer;

(2) is used or intended to be used to load or unload a commodity on or off the trailer;

(3) does not extend more than seven feet beyond the rear of the trailer; and

(4) complies with each applicable federal motor carrier safety regulation.

Added by Acts 1997, 75th Leg., ch. 25, Sec. 2, eff. Sept. 1, 1997.

Sec. 621.207. MAXIMUM HEIGHT. (a) A vehicle and its load may not be higher than 14 feet.

(b) The operator of a vehicle that is higher than 13 feet 6 inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure.

(c) Any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle is the responsibility of the owner of the vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER D. LOCAL REGULATIONS

Sec. 621.301. COUNTY'S AUTHORITY TO SET MAXIMUM WEIGHTS. (a) The commissioners court of a county may establish load limits for any county road or bridge only with the concurrence of the department. A load limit shall be deemed concurred with by

the department 30 days after the county submits to the department the load limit accompanied by supporting documentation and calculations reviewed and sealed by an engineer licensed in this state, though the department may review the load limit and withdraw concurrence at any time after the 30-day period.

(b) The commissioners court may limit the maximum weights to be moved on or over a county road, bridge, or culvert by exercising its authority under this subsection in the same manner and under the same conditions provided by Section 621.102 for the commission to limit maximum weights on highways and roads to which that section applies.

(c) The commissioners court shall record an action under Subsection (b) in its minutes.

(d) A maximum weight set under this section becomes effective on a road when appropriate signs giving notice of the maximum weight are erected on the road under order of the commissioners court.

(e) A vehicle operating under a permit issued under Section 623.011, 623.071, 623.094, 623.121, 623.142, 623.181, 623.192, or 623.212 may operate under the conditions authorized by the permit over a road for which the commissioners court has set a maximum weight under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 19, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1227, Sec. 5, eff. Sept. 1, 2001.

Sec. 621.302. EXCEPTION TO COUNTY'S WEIGHT LIMITATIONS. A maximum weight set under Section 621.301 does not apply to a vehicle delivering groceries or farm products to a destination requiring travel over a road for which the maximum is set.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT. The governing body of any municipality may regulate the movement and operation on a public road, other than a state highway in the territory of the municipality, of:

(1) an overweight, oversize, or overlength commodity that cannot reasonably be dismantled; and

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

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER E. FEES

Sec. 621.351. ESCROW ACCOUNT FOR PREPAYMENT OF PERMIT FEES. (a) The department may establish one or more escrow accounts in the state highway fund for the prepayment of a fee for a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations.

(b) The fees and any fees established by the department for the administration of this section shall be administered in accordance with an agreement containing terms and conditions agreeable to the department.

(c) The department shall deposit each fee established under this section to the credit of the state highway fund. The fees may be appropriated only to the department for purposes of administering this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.352. FEES FOR PERMITS ISSUED UNDER RECIPROCAL AGREEMENT. (a) The commission by rule may establish fees for the administration of Section 621.003 in an amount that, when added to the other fees collected by the department, does not exceed the amount sufficient to recover the actual cost to the department of administering that section. An administrative fee collected under this section shall be sent to the comptroller for deposit to the credit of the state highway fund and may be appropriated only to the department for the administration of Section 621.003.

(b) A permit fee collected by the department under Section 621.003 for another state shall be sent to the comptroller for deposit to the credit of the permit distributive account in the general revenue fund. The comptroller shall distribute money in the permit distributive account only to the proper authorities of other states and only as directed by the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 18.12, eff. Sept. 1, 1997.

Sec. 621.353. DISTRIBUTION OF FEE FOR PERMIT FOR EXCESS WEIGHT. (a) The comptroller shall send \$50 of each base fee

collected under Section 623.011 for an excess weight permit to the counties of the state, with each county receiving an amount determined according to the ratio of the total number of miles of county roads maintained by the county to the total number of miles of county roads maintained by all of the counties of this state. The comptroller shall deposit \$25 of each base fee, plus each fee collected under Section 623.0112, to the credit of the state highway fund. Money deposited to the credit of that fund under this subsection may be appropriated only to the department to administer this section and Sections 623.011, 623.0111, and 623.0112.

(b) The comptroller shall send the amount due each county under Subsection (a) to the county treasurer or officer performing the function of that office at least twice each fiscal year.

(c) The comptroller shall send each fee collected under Section 623.0112 for an excess weight permit to the counties designated on the application for the permit, with each county shown on the application receiving an amount determined according to the ratio of the total number of miles of county roads maintained by the county to the total number of miles of county roads maintained by all of the counties designated on the application.

(d) The county treasurer or officer shall deposit amounts received under this section to the credit of the county road and bridge fund. Money deposited to the credit of that fund under this subsection may be used only for a purpose authorized by Section 256.001(a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.133(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 18.13, eff. Sept. 1, 1997.

Sec. 621.354. DISPOSITION OF FEES FOR PERMIT FOR MOVEMENT OF CYLINDRICAL HAY BALES. The department shall deposit each fee collected under Section 623.017 in the state treasury to the credit of the state highway fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.355. DISTRIBUTION OF FEES FOR REGISTRATION OF ADDITIONAL WEIGHT. (a) If an operator or owner is required to pay for registration of additional weight under Section 621.406 in a county other than the county in which the owner resides, the assessor-collector of the county in which the payment is made shall send the amount collected to the department for deposit to the credit of the state highway fund.

(b) The department shall send the county's share of the amount collected under Section 621.406 to the county in which the owner resides.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.356. FORM OF PAYMENT. The commission may adopt rules prescribing the method for payment of a fee for a permit issued by the department that authorizes the operation of a vehicle and its load or a combination of vehicles and load exceeding size or weight limitations. The rules may:

(1) authorize the use of electronic funds transfer or a credit card issued by:

(A) a financial institution chartered by a state or the federal government; or

(B) a nationally recognized credit organization approved by the commission; and

(2) require the payment of a discount or service charge for a credit card payment in addition to the fee.

Added by Acts 1997, 75th Leg., ch. 515, Sec. 2, eff. Sept. 1, 1997.

SUBCHAPTER F. ENFORCEMENT

Sec. 621.401. DEFINITION. In this subchapter, "weight enforcement officer" means:

(1) a license and weight inspector of the Department of Public Safety;

(2) a highway patrol officer;

(3) a sheriff or sheriff's deputy;

(4) a municipal police officer in a municipality with a population of:

(A) 100,000 or more; or

(B) 74,000 or more in a county with a population of more than 1.5 million;

(5) a police officer certified under Section 644.101; or

(6) a constable or deputy constable designated under Section 621.4015.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 364, Sec. 3, eff. May 27, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 17.09, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1523, Sec. 1, eff. Sept. 1, 1999; Acts 2005, 79th Leg., ch. 931, Sec. 1, eff. June 18, 2005.

Sec. 621.4015. DESIGNATION BY COMMISSIONERS COURT. (a) A county commissioners court may designate a constable or deputy constable of the county as a weight enforcement officer in a county:

(1) that is a county with a population of one million or more and is within 200 miles of an international border; or

(2) that is adjacent to a county with a population of 3.3 million or more; and

(3) in which a planned community is located that has 20,000 or more acres of land, that was originally established under the Urban Growth and New Community Development Act of 1970 (42 U.S.C. Section 4501 et seq.), and that is subject to restrictive covenants containing ad valorem or annual variable budget based assessments on real property.

(b) A constable or deputy constable designated under this section shall be subject to the requirements of Subchapter C, Chapter 644, Transportation Code.

Added by Acts 2005, 79th Leg., ch. 931, Sec. 2, eff. June 18, 2005.

Sec. 621.402. WEIGHING LOADED VEHICLE. (a) A weight enforcement officer who has reason to believe that the single axle weight, tandem axle weight, or gross weight of a loaded motor vehicle is unlawful may:

(1) weigh the vehicle using portable or stationary scales furnished or approved by the Department of Public Safety; or

(2) require the vehicle to be weighed by a public weigher.

(b) The officer may require that the vehicle be driven to the nearest available scales.

(c) A noncommissioned employee of the Department of Public Safety who is certified for the purpose by the public safety director and who is supervised by an officer of the Department of Public Safety may, in a port of entry or at a fixed-site facility, weigh a vehicle, require the vehicle to be weighed, or require a vehicle to be driven to the nearest scale under Subsections (a) and (b).

(d) Prior to assessment of a penalty for weight which exceeds the maximum allowable axle weights, the owner or operator is authorized to shift the load to reduce or eliminate such excess axle weight penalties as long as no part of the shipment is removed.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 737, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 941, Sec. 20, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1275, Sec. 2(136), eff. Sept. 1, 2003.

Sec. 621.403. UNLOADING VEHICLE IF GROSS WEIGHT EXCEEDED. (a) If the gross weight of a motor vehicle weighed under Section 621.402 is heavier than the weight equal to the maximum gross weight authorized by law for that vehicle plus a tolerance allowance equal to five percent of that maximum weight, the weight enforcement officer shall require the operator or owner of the vehicle to unload a part of the load necessary to decrease the gross weight of the vehicle to a gross weight that is not heavier than the weight equal to the vehicle's maximum gross weight plus the applicable tolerance allowance.

(b) The operator or owner of the vehicle immediately shall unload the vehicle to the extent necessary to reduce the gross weight as required by Subsection (a), and the vehicle may not be operated further over a public highway or road of this state until the gross weight has been reduced as required by Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.404. UNLOADING VEHICLE IF AXLE WEIGHT EXCEEDED. (a) If the axle weight of a motor vehicle weighed under Section 621.402 is heavier than the maximum axle weight authorized by law for the vehicle plus a tolerance allowance equal to five percent of that maximum weight, the weight enforcement officer shall require the operator or owner of the vehicle to rearrange the vehicle's cargo, if possible, to bring the vehicle's axles within the maximum axle weight allowed by law for that vehicle. If the requirement cannot be satisfied by rearrangement of cargo, a part of the vehicle's load shall be unloaded to decrease the axle weight to a weight that is not heavier than the maximum axle weight allowed by law for the vehicle plus the applicable tolerance allowance.

(b) The vehicle may not be operated further over the public highways or roads of the state until the axle weight of the vehicle has been reduced as required by Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 21, eff. Sept. 1, 2001.

Sec. 621.405. UNLOADING EXCEPTIONS. (a) The operator or owner of a vehicle is not required to unload any part of the vehicle's load under Section 621.403 or 621.404 if the vehicle is:

(1) a motor vehicle loaded with timber, pulp wood, or agricultural products in their natural state being transported from the place of production to the place of marketing or first processing; or

(2) a vehicle crossing a highway as provided by Subchapter C, Chapter 623.

(b) The operator of a motor vehicle may proceed to the vehicle's destination without unloading the vehicle as required by Section 621.403 or 621.404 if the vehicle is loaded with livestock. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 22, eff. Sept. 1, 2001.

Sec. 621.406. ADDITIONAL GROSS WEIGHT REGISTRATION. (a) If the gross weight of the motor vehicle is not heavier than the maximum gross weight allowed for the vehicle but is heavier than the registered gross weight for the vehicle, the weight enforcement officer shall require the operator or owner of the vehicle to apply to the nearest available county assessor-collector to increase the gross weight for which the vehicle is registered to a weight equal to or heavier than the gross weight of the vehicle before the operator or owner may proceed.

(b) The vehicle may not be operated further over the public highways or roads of the state until the registered gross weight of the vehicle has been increased as required by Subsection (a) unless the load consists of livestock or perishable merchandise, in which event the operator or owner may proceed with the vehicle in the direction of the vehicle's destination to the nearest practical location at which the vehicle's load can be protected from damage or destruction before increasing the registered weight.

(c) If an operator or owner is found to be carrying a load that is heavier than the load allowed for the registered gross weight of the vehicle, the operator or owner shall pay for the registration of the additional weight for the entire period for which the vehicle is registered without regard to whether the owner or operator has been carrying similar loads from the date of purchase of the vehicle's current license registration for that registration period.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.407. FORMS; ACCOUNTING PROCEDURES. The department shall prescribe all forms and accounting procedures necessary to carry out Sections 621.401 to 621.406.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.408. POWERS OF WEIGHT ENFORCEMENT OFFICERS. (a) Except for the authority granted to a port-of-entry supervisor or inspector by Section 621.409, weight enforcement officers have exclusive authority to enforce this subchapter in any area of this state, including all ports of entry between Texas and the United Mexican States.

(b) If a noncommissioned employee weighs a vehicle under Section 621.402 and determines that an enforcement action, such as the issuance of a citation, is warranted, the employee may take enforcement action only if the employee is under the supervision of an officer of the Department of Public Safety.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 601, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1523, Sec. 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 737, Sec. 2, eff. Sept. 1, 2001; Acts 2005, 79th Leg., ch. 313, Sec. 3, eff. Sept. 1, 2005.

Sec. 621.409. WEIGHING OF LOADED VEHICLES BY PORT-OF-ENTRY SUPERVISORS, INSPECTORS, OR WEIGHT ENFORCEMENT OFFICERS. (a) A port-of-entry supervisor, an inspector employed by the Alcoholic Beverage Commission, or a weight enforcement officer who has reason to believe that the axle or gross weight of a loaded motor vehicle is unlawful may weigh the vehicle using portable or stationary scales furnished or approved by the Department of Public Safety.

(b) If the vehicle exceeds the maximum gross weight authorized by law, plus the tolerance allowance provided by Section 621.403, the supervisor, inspector, or weight enforcement officer

may prohibit the vehicle from proceeding farther into the state. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 364, Sec. 4, eff. May 27, 1997; Acts 2001, 77th Leg., ch. 941, Sec. 23, eff. Sept. 1, 2001.

Sec. 621.410. WEIGHT RECORD. (a) This section applies only to cargo other than timber or another agricultural product in its natural state transported by a commercial motor vehicle.

(b) A person who weighs cargo before or after unloading shall keep a written record, in the form prescribed by the department, containing the information required by Subsection (c).

(c) A record under this section must state:

- (1) the origin, weight, and composition of the cargo;
- (2) the date of loading or unloading, as applicable;
- (3) the name and address of the shipper;
- (4) the total number of axles on the vehicle or combination of vehicles transporting the cargo;
- (5) an identification number of the vehicle or other identification of the vehicle required by department rules; and
- (6) any other information required by the department.

(d) A person required to keep a record under this section shall keep the record for not less than 180 days after the date it is created. The person shall make the record available to inspection and copying by a weight enforcement officer on demand.

(e) This section does not apply to a vehicle that:

- (1) transports material regulated under Section 623.161;

- (2) is weighed by a weight enforcement officer;
- (3) is weighed on scales owned by the state or a political subdivision of the state; or

- (4) is weighed on scales owned by an enterprise principally engaged in the retail sale of motor fuels to the general public.

Added by Acts 2001, 77th Leg., ch. 1227, Sec. 6, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 256, Sec. 1, eff. June 18, 2003.

SUBCHAPTER G. OFFENSES AND PENALTIES

Sec. 621.501. FAILURE TO CARRY OR PRESENT VEHICLE LICENSE RECEIPT. (a) A person commits an offense if the person fails in violation of Section 621.002 to carry or present a vehicle registration receipt.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.502. PROHIBITIONS ON SIZE AND WEIGHT; RESTRICTIONS ON CONSTRUCTION AND EQUIPMENT. (a) A person may not operate or move a vehicle on a highway if:

- (1) the vehicle's size is larger than the applicable maximum size authorized for that vehicle by this subtitle;

- (2) the vehicle's single axle weight, tandem axle weight, or gross weight is greater than the applicable weight authorized for that vehicle by this subtitle; or

- (3) the vehicle is not constructed or equipped as required by this subtitle.

(b) The owner of a vehicle the size of which or the weight, axle load, or wheel load of which is greater than the applicable maximum size, weight, or load authorized for that vehicle by this subtitle or a vehicle that is not constructed or equipped as required by this chapter may not cause or allow the vehicle to be operated or moved on a highway.

(c) A person may not transport on a vehicle a load the size or weight of which is more than the applicable maximum size, weight, or load authorized for that vehicle by this subtitle.

(d) Intent to operate a vehicle at a weight that is heavier than the weight authorized by a permit issued under Section 623.011 is presumed if:

- (1) the vehicle is operated at a weight that is heavier than the applicable weight plus the tolerance allowance provided by Section 623.011(a); and

- (2) a permit to operate at that weight has not been issued for the vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 24, eff. Sept. 1, 2001.

Sec. 621.503. PROHIBITION OF LOADING MORE THAN WEIGHT LIMITATION. (a) A person may not load, or cause to be loaded, a vehicle for operation on a public highway of this state that exceeds

the weight limitations for operation of that vehicle provided by Section 621.101.

(b) Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable axle or gross weight limit by 15 percent or more.

(c) This section does not apply to the loading of an agricultural or a forestry commodity before the commodity is changed in processing from its natural state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 364, Sec. 5, eff. May 27, 1997; Acts 2001, 77th Leg., ch. 941, Sec. 25, eff. Sept. 1, 2001.

Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE. A person may not operate or attempt to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 621.506. OFFENSE OF OPERATING OR LOADING OVERWEIGHT VEHICLE; PENALTY; DEFENSE. (a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, 622.012, 622.031, 622.133, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$100 and not more than \$150;

(2) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 but not more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$300 or more than \$500;

(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or

(4) on conviction before the first anniversary of the date of a previous conviction under this section, by a fine in an amount that is twice the amount specified by Subdivision (1), (2), or (3).

(c) On conviction of a violation of an axle weight limitation, the court may assess a fine less than the applicable minimum amount prescribed by Subsection (b) if the court finds that when the violation occurred:

(1) the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section 621.101; and

(2) the gross weight of the vehicle did not exceed that maximum gross weight.

(d) A judge or justice shall promptly report to the Department of Public Safety each conviction obtained in the judge's or the justice's court under this section. The Department of Public Safety shall keep a record of each conviction reported to it under this subsection.

(e) If a corporation fails to pay the fine assessed on conviction of an offense under this section, the district or county attorney in the county in which the conviction occurs may file suit against the corporation to collect the fine.

(f) A justice or municipal court has jurisdiction of an offense under this section.

(g) Except as provided by Subsection (h), a governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(h) If the offense described by Subsection (g) occurred within 20 miles of an international border, the entire amount of the fine shall be deposited for the purposes of road maintenance in:

(1) the municipal treasury, if the fine was imposed by a municipal court; or

(2) the county treasury, if the fine was imposed by a justice court.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.133(b), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1101, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 941, Sec. 26, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 209, Sec. 78(a), eff. Jan. 1, 2004; Acts 2005, 79th Leg., ch. 332, Sec. 1, eff. June 17, 2005.

Sec. 621.507. GENERAL OFFENSE; PENALTY. (a) A person commits an offense if the person violates a provision of this subtitle for which an offense is not specified by another section of this subtitle.

(b) An offense under this section is a misdemeanor punishable:

(1) by a fine not to exceed \$200;

(2) on conviction before the first anniversary of the date of a previous conviction under this section:

(A) by a fine not to exceed \$500, by confinement in a county jail for not more than 60 days, or by both the fine and confinement; or

(B) if the convicted person is a corporation, by a fine not to exceed \$1,000; or

(3) on a conviction before the first anniversary of the date of a previous conviction under this section that was punishable under Subdivision (2) or this subdivision:

(A) by a fine not to exceed \$1,000, by confinement in the county jail for not more than six months, or by both the fine and confinement; or

(B) if the convicted person is a corporation, by a fine not to exceed \$2,000.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 27, eff. Sept. 1, 2001.

Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE OVER MAXIMUM ALLOWABLE AXLE WEIGHT. It is an affirmative defense to prosecution of, or an action under Subchapter F for, the offense of operating a vehicle with a single axle weight or tandem axle weight heavier than the axle weight authorized by law that at the time of the offense the vehicle:

(1) had a single axle weight or tandem axle weight that was not heavier than the axle weight authorized by law plus 12 percent;

(2) was loaded with timber, pulp wood, wood chips, or cotton, livestock, or other agricultural products that are:

(A) in their natural state; and

(B) being transported from the place of production to the place of first marketing or first processing; and

(3) was not being operated on a portion of the national system of interstate and defense highways.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 28, eff. Sept. 1, 2001.

Sec. 621.509. FAILURE TO MAINTAIN WEIGHT RECORD. (a) A person commits an offense if the person fails to keep a weight record in violation of Section 621.410.

(b) An offense under this section is a Class C misdemeanor. Added by Acts 2001, 77th Leg., ch. 1227, Sec. 7, eff. Oct. 1, 2001.