

TRANSPORTATION CODE

CHAPTER 623. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 623.001. DEFINITION. In this chapter, "department" means the Texas Department of Transportation.

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

SUBCHAPTER B. GENERAL PERMITS

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 base permit fee of \$75, any additional fee required by Section 623.0111, and any additional fee set by the department under Section 623.0112 must be paid.

(c) A permit issued under this section:

(1) is valid for one year; and

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

(d) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle above the inspection certificate issued to the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(e) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

(f) A person commits an offense if the person fails to display the sticker in the manner required by Subsection (d). An offense under this subsection is a Class C misdemeanor. Section 623.019(g) applies to an offense under this subsection.

(g) A vehicle operating under a permit issued under this section may exceed the maximum allowable gross weight tolerance allowance by not more than five percent, regardless of the weight of any one axle or tandem axle, if no axle or tandem axle exceeds the tolerance permitted by Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(a), eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1227, Sec. 8, eff. Sept. 1, 2001.

Sec. 623.0111. ADDITIONAL FEE FOR OPERATION OF VEHICLE UNDER PERMIT. (a) When a person applies for a permit under Section 623.011, the person must:

(1) designate in the application each county in which the vehicle will be operated; and

(2) pay in addition to other fees an annual fee in an amount determined according to the following table:

Number of Counties Designated	Fee
1-20	\$125
21-40	\$345
41-60	\$565
61-80	\$785
81-100	\$1,005
101-254	\$2,000

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(b), eff. Sept. 1, 1997.

Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a person applies for a permit under Section 623.011, the person must pay in addition to other fees an administrative fee adopted by department

rule in an amount not to exceed the direct and indirect cost to the department of:

- (1) issuing a sticker under Section 623.011(d);
- (2) distributing fees under Section 621.353; and
- (3) notifying counties under Section 623.013.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(b), eff. Sept. 1, 1997.

Sec. 623.0113. ROUTE RESTRICTIONS. (a) Except as provided by Subsection (b), a permit issued under Section 623.011 does not authorize the operation of a vehicle on:

(1) the national system of interstate and defense highways in this state if the weight of the vehicle is greater than authorized by federal law; or

(2) a bridge for which a maximum weight and load limit has been established and posted by the Texas Transportation Commission under Section 621.102 or the commissioners court of a county under Section 621.301, if the gross weight of the vehicle and load or the axles and wheel loads are greater than the limits established and posted under those sections.

(b) The restrictions under Subsection (a)(2) do not apply if a bridge described by Subsection (a)(2) provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under Section 623.011.

Added by Acts 2001, 77th Leg., ch. 1227, Sec. 9, eff. Sept. 1, 2001.

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.

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

Sec. 623.013. DEPARTMENT'S NOTICE TO COUNTY. (a) Not later than the 14th day after the date the department issues a permit under Section 623.011, the department shall notify the county clerk of each county listed in the application for the permit. The notice must include:

(1) the name and address of the person for whom a permit was issued; and

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

(b) The department 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(c), eff. Sept. 1, 1997.

Sec. 623.014. TRANSFER OF PERMIT. (a) A permit issued under Section 623.011 may not be transferred.

(b) If the vehicle for which a permit was issued is destroyed or permanently inoperable, a person may apply to the department for a credit for the remainder of the permit period.

(c) The department shall issue the prorated credit if the person:

- (1) pays the fee adopted by the department; and
- (2) provides the department with:

(A) the original permit; or

(B) if the original permit does not exist, written evidence in a form approved by the department that the vehicle has been destroyed or is permanently inoperable.

(d) The fee adopted by the department under Subsection (c)(1) may not exceed the cost of issuing the credit.

(e) A credit issued under Subsection (c) may be used only toward the payment of a permit fee under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(d), eff. Sept. 1, 1997.

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.

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

Sec. 623.0155. INDEMNIFICATION FROM MOTOR CARRIER PROHIBITED. (a) A person may not require indemnification from a motor carrier as a condition to:

(1) the transportation of property for compensation or hire by the carrier;

(2) entrance on property by the carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(3) a service incidental to an activity described by Subdivision (1) or (2), including storage of property.

(b) Subsection (a) does not apply to:

(1) a claim arising from damage or loss from a wrongful or negligent act or omission of the carrier; or

(2) services or goods other than those described by Subsection (a).

(c) In this section, "motor carrier" means a common carrier, specialized carrier, or contract carrier that transports property for hire. The term does not include a person who transports property as an incidental activity of a nontransportation business activity regardless of whether the person imposes a separate charge for the transportation.

(d) A provision that is contrary to Subsection (a) is not enforceable.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.139(a); Acts 1997, 75th Leg., ch. 1061, Sec. 19.

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; or
(3) the county in which the damage occurred.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 455, Sec. 1, eff. Sept. 1, 2001.

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.

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

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 of:

(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.

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

Sec. 623.019. VIOLATIONS OF SUBCHAPTER; OFFENSES. (a) A person who holds a permit issued under Section 623.011 commits an offense if:

(1) the person:
(A) operates or directs the operation of the vehicle for which the permit was issued on a public highway or road; and

(B) is criminally negligent with regard to the operation of the vehicle at a weight heavier than the weight limit authorized by Section 623.011; or

(2) the person operates or directs the operation of the vehicle for which the permit was issued:

(A) in a county not designated in the person's application under Section 623.011; and

(B) at a weight heavier than a weight limit established under:

(i) Subchapter E, Chapter 251;

(ii) Chapter 621 or 622; or

(iii) this chapter.

(b) Except as provided by Subsections (c) and (d), an offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 or more than \$150.

(c) An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine of:

(1) not less than \$300 or more than \$500 if the offense involves a vehicle having a gross weight that is heavier than 5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or

(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.

(d) On conviction before the first anniversary of the date of a previous conviction under Subsection (a), an offense is punishable by a fine in an amount that is twice the amount specified by Subsection (c).

(e) A governmental entity collecting a fine under Subsection (c) shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice of the peace has jurisdiction of any offense under this section. A municipal court has jurisdiction of an offense under this section in which the fine does not exceed \$500.

(g) A justice or judge who renders a conviction under this section shall report the conviction to the Department of Public Safety. The Department of Public Safety shall keep a record of each conviction reported under this subsection.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.139(c), eff. Sept. 1, 1997.

SUBCHAPTER C. CONTRACTS FOR CROSSING ROADS

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 comptroller and the attorney general and must be conditioned on the person fulfilling the obligations of the contract.

(e) Repealed by Acts 1997, 75th Leg., ch. 165, Sec. 30.140, eff. Sept. 1, 1997.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.140, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 18.14, eff. Sept. 1, 1997.

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 comptroller 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 18.15, eff. Sept. 1, 1997.

SUBCHAPTER D. HEAVY EQUIPMENT

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;
(2) water well drilling machinery and equipment or harvesting equipment being moved as part of an agricultural operation; or

- (3) superheavy or oversize equipment that:
(A) cannot reasonably be dismantled; and
(B) does not exceed:
(i) 12 feet in width;
(ii) 14 feet in height;
(iii) 110 feet in length; or
(iv) 120,000 pounds gross weight.

(d) The department may issue an annual permit to a motor carrier, as defined by Section 643.001, that allows the motor carrier to operate on a state highway two or more vehicles for the movement of superheavy or oversize equipment described by Subsection (c)(3). An application under this subsection must be on the form prescribed by the department and include a description of each vehicle to be operated by the motor carrier under the permit. A permit issued under this subsection:

(1) may not authorize the operation of more than one vehicle at the same time; and

(2) must be carried in the vehicle that is being operated to move the superheavy or oversize equipment under the permit.

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

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

(g) A single trip permit that increases the height or width limits established in Subsection (c)(3)(B)(i) or (ii) may be issued by the department and used in conjunction with an annual permit issued under Subsection (c).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 568, Sec. 1, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 807, Sec. 1, eff. Sept. 1, 1999.

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

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 and dimensions of the equipment;
- (5) give the width, height, and length of the equipment;
- (6) state the kind of commodity to be transported and the weight of the total load; and
- (7) be dated and signed by the applicant.

(c) An application for a permit under Section 623.071(a) or (b) must also state:

- (1) each highway over which the equipment is to be operated, if the permit is for a single trip; or
- (2) the region or area, as required by rule, over which the equipment is to be operated, if the permit is for other than a single trip.

(d) The department may by rule authorize an applicant to submit an application electronically. An electronically submitted application shall be considered signed if a digital signature is transmitted with the application and intended by the applicant to authenticate the application. For purposes of this subsection, "digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 515, Sec. 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 568, Sec. 2, eff. June 2, 1997; Acts 1997, 75th Leg., ch. 1171, Sec. 1.30, eff. Sept. 1, 1997.

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:

(1) 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; or

(2) a vehicle or equipment operated by a motor carrier registered under Chapter 643 or Chapter 645.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.141(a), eff. Sept. 1, 1997.

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)(1) or (2).

(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 electronic funds transfer;
- (2) 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

(3) require the payment of a discount or service charge for a credit card payment in addition to the fee prescribed by Subsection (a).

(c) An application for a permit under Section 623.071(c)(3) or (d) must be accompanied by the permit fee established by the commission for the permit, not to exceed \$3,500. Of each fee collected under this subsection, the department shall send:

(1) the first \$1,000 to the comptroller for deposit to the credit of the general revenue fund; and

(2) any amount in excess of \$1,000 to the comptroller for deposit to the credit of the state highway fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 515, Sec. 5, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 568, Sec. 3, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 807, Sec. 2, eff. Sept. 1, 1999.

Sec. 623.077. HIGHWAY MAINTENANCE FEE. (a) An applicant for a permit under this subchapter, other than a permit under Section 623.071(c)(3), must also pay a highway maintenance fee in an amount determined according to the following table:

Vehicle Weight in Pounds	Fee
80,001 to 120,000	\$50
120,001 to 160,000	\$75
160,001 to 200,000	\$100
200,001 and above	\$125

(b) The department shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 568, Sec. 4, eff. June 2, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 18.16, eff. Sept. 1, 1997.

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) moving traffic control devices.

(b) The department shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 18.17, eff. Sept. 1, 1997.

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.

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

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:

(1) each highway over which the equipment is to be transported, if the permit is for a single trip; or

(2) the region or area, as required by rule, over which the equipment is to be operated, if the permit is for other than a single trip.

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

1997, 75th Leg., ch. 515, Sec. 6, eff. Sept. 1, 1997.

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 the department:

(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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 515, Sec. 7, eff. Sept. 1, 1997.

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.

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

SUBCHAPTER E. MANUFACTURED AND INDUSTRIALIZED HOUSING

Sec. 623.091. DEFINITION. In this subchapter, "manufactured house" means "industrialized building" as defined by Chapter 1202, Occupations Code, "industrialized housing" as defined by Chapter 1202, Occupations Code, or "manufactured home" as defined by Chapter 1201, Occupations Code. 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.836, eff. Sept. 1, 2003.

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, in addition to that required by state law, for the movement of a manufactured house.

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

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;

(2) the complete identification or serial number, the Department of Housing and Urban Development label number, or the state seal number of the house;

(3) the name of the owner of the house;

(4) the location from which the house is being transported;

(5) the location to which the house is being transported; and

(6) the route for the transportation of the 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.

(d) Repealed by Acts 2005, 79th Leg., ch. 1284, Sec. 34(3).

(e) Each quarter the department shall send a copy of each permit for the transportation of a manufactured house that begins or ends in this state, or provide the essential information in the permit, to the chief appraiser of the appraisal district in each county in which the transportation begins or ends.

(f) If an application for a permit to move a manufactured house is accompanied by a copy of a writ of possession issued by a court of competent jurisdiction, the applicant is not required to submit the written statement from the chief appraiser set forth in Subsection (d).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.142(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 19, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 19.01(107), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 988, Sec. 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.837, eff. Sept. 1, 2003; Acts 2005, 79th Leg., ch. 1284, Sec. 34(3), eff. June 18, 2005.

Sec. 623.094. PERMIT ISSUANCE. (a) Except as authorized by Section 623.095, the department may issue a permit only to:

(1) a person licensed by the Texas Department of Housing and Community Affairs as a manufacturer, retailer, or installer; or

(2) motor carriers registered with the department.

(b) The license or registration 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.143(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 20, eff. Sept. 1, 1997.

Sec. 623.095. PERMIT TYPES. (a) The department may issue a single-trip permit for the transportation of a manufactured house to:

(1) the owner of a manufactured house if:

(A) the title to the manufactured house and the title to the towing vehicle show that the owner of the manufactured house and the owner of the towing vehicle are the same person; or

(B) a lease shows that the owner of the manufactured house and the lessee of the towing vehicle are the same person;

(2) a person authorized to be issued permits by Section 623.094.

(b) A person or owner must have proof of the insurance coverage required by Section 623.103.

(c) In lieu of a single-trip permit, the department may issue an annual permit to any person authorized to be issued permits

by Section 623.094 for the transportation of new manufactured homes from a manufacturing facility to a temporary storage location not to exceed 20 miles from the point of manufacture. A copy of the permit must be carried in the vehicle transporting a manufactured home from the manufacturer to temporary storage. The department may adopt rules concerning requirements for a permit issued under this subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.143(b), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 21, eff. Sept. 1, 1997.

Sec. 623.096. PERMIT FEE. (a) The department shall collect a fee of \$20 for each permit issued under this subchapter. Of each fee, 30 cents shall be deposited to the credit of the state highway fund.

(b) The department shall adopt rules concerning fees for each annual permit issued under Section 623.095(c) at a cost not to exceed \$1,500. Two percent of any fee adopted shall be deposited to the credit of the state highway fund.

(c) The department may establish an escrow account for the payment of permit fees.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.144(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 22, eff. Sept. 1, 1997.

Sec. 623.097. DURATION OF PERMIT. A permit is valid for a five-day period.

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

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 or one flashing amber light mounted at each rear corner of the manufactured house approximately six feet above ground level. 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.145(a), eff. Sept. 1, 1997.

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 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 under this subchapter except as expressly provided by this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 487, Sec. 1, eff. Sept. 1, 1997.

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.

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

Sec. 623.101. SPEED LIMIT. (a) A manufactured house or house trailer may not be towed in excess of the posted speed limit or 55 miles per hour, whichever is less.

(b) In this section, "house trailer" has the meaning 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. 4, eff. Sept. 1, 1997.

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 with a wiring harness during transportation over a roadway 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.

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

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.

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

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, except as provided by Subsection (d).

(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.

(d) Except as provided by Subsection (e), if the offense involves the movement of a manufactured house over a highway, road, or street in this state without a permit issued by the department, the offense is a misdemeanor punishable by a fine of \$1,000.

(e) If it is shown on the trial of an offense punishable under Subsection (d) that the defendant has previously been punished under Subsection (d):

- (1) one time, the offense is punishable by a fine of \$2,000; or
- (2) two or more times, the offense is punishable by a fine of \$4,000.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 988, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 338, Sec. 48, eff. June 18, 2003.

Sec. 623.105. PENALTY FOR COMPENSATING CERTAIN UNLAWFUL ACTIONS. (a) A person commits an offense if the person:

- (1) provides compensation to another for the movement of a manufactured home over a highway, road, or street in this state; and
- (2) knows the other person is not authorized by law to move the home.

(b) An offense under this section is a misdemeanor punishable by a fine of \$1,000.

Added by Acts 2003, 78th Leg., ch. 338, Sec. 49, eff. June 18, 2003.

SUBCHAPTER F. PORTABLE BUILDING UNITS

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 the length or width limitations provided by law but less than 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.

(c) In this section, "portable building unit" means the prefabricated structural and other components incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial number. The term includes a fully assembled configuration, a partially assembled configuration, or a kit or unassembled configuration, when loaded for transport.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.146(a), eff. Sept. 1, 1997.

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.

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

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.

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

Sec. 623.124. FEE. An application for a permit must be accompanied by a fee of \$7.50.

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

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; and
- (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.

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

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.

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

Sec. 623.128. TIME OF MOVEMENT. Movement authorized by a permit issued under this subchapter shall be made only during daylight hours.

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

Sec. 623.129. ESCORT FLAG VEHICLE. The escort flag vehicle requirements provided by Section 623.099 apply to the movement of portable building units and compatible cargo under this subchapter

as if such building units and cargo were a manufactured house.
Added by Acts 1997, 75th Leg., ch. 487, Sec. 2, eff. Sept. 1, 1997.

Sec. 623.130. COMPATIBLE CARGO. (a) A permit issued under this subchapter may authorize the movement of cargo, other than a portable building unit, manufactured, assembled, or distributed by a portable building unit manufacturer, as an authorized distributor if:

(1) the movement is conducted by employees of the manufacturer or by independent drivers and equipment under exclusive contract to the manufacturer during the movement;

(2) the movement is to or from a location where the manufacturer's building units may be legally stored, sold, or delivered; and

(3) the cargo is compatible with the movement of portable building units in that:

(A) the cargo does not cause the load to exceed applicable height or weight limits; and

(B) the cargo is loaded to properly distribute weight, width, and height to maximize safety and economy without exceeding size or weight limits authorized for movement of portable building units.

(b) If cargo moved under this section exceeds any width limit that would apply to the cargo if it were moved in a manner not governed by this section, the department shall collect an amount equal to any fee that would apply to movement of the cargo if the cargo were moved in a manner not governed by this section in addition to the fee required under this subchapter.

Added by Acts 1997, 75th Leg., ch. 487, Sec. 2, eff. Sept. 1, 1997.

SUBCHAPTER G. OIL WELL SERVICING AND DRILLING MACHINERY

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.

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

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 Section 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.

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

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.

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

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.

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

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 for inconvenience and necessary delays to highway users.

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

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.

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

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.

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

Sec. 623.148. 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.

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

Sec. 623.149. 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.

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

Sec. 623.150. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person issued a registration certificate under Chapter 643, even if not all the operations of the person are performed under that certificate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.147, eff. Sept. 1, 1997.

SUBCHAPTER H. VEHICLES TRANSPORTING SOLID WASTE

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.

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

Sec. 623.162. AXLE WEIGHT RESTRICTIONS. A single vehicle used exclusively to transport solid waste may be operated on a public highway of this state only if the tandem axle weight is not heavier than 44,000 pounds, the single axle weight is not heavier than 21,000 pounds, and the gross weight is not heavier than 64,000 pounds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 42, eff. Sept. 1, 2001.

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.

(d) A copy of the bond 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 942, Sec. 8, eff. Sept. 1, 2001.

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.

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

Sec. 623.165. PENALTY. A person commits an offense if the person fails in violation of Section 623.163(d) to carry or present the copy of the bond filed with the department. 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. Amended by Acts 2001, 77th Leg., ch. 942, Sec. 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 16.004, eff. Sept. 1, 2003.

Sec. 623.166. DEFENSE TO PROSECUTION: BOND IN EFFECT. (a) It is a defense to prosecution under Section 623.165 that the person charged produces a surety bond that complies with Section 623.163 that was valid at the time the offense is alleged to have occurred.

(b) If the court verifies the bond produced by the person, the court shall dismiss the charge.

Added by Acts 2001, 77th Leg., ch. 942, Sec. 10, eff. Sept. 1, 2001.

SUBCHAPTER I. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES; ANNUAL PERMIT

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.

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

Sec. 623.182. PERMIT FEE. The fee for a permit under this subchapter is \$50.

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

SUBCHAPTER J. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES; TRIP PERMITS

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 design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute.

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

Sec. 623.192. PERMIT TO MOVE UNLADEN LIFT EQUIPMENT MOTOR 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.
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

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.

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

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.

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

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 for inconvenience and necessary delays to highway users.

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

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.

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

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.

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

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.

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

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.

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

Sec. 623.200. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person issued a registration certificate under Chapter 643, even if not all the operations of the person are performed under that certificate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.147, eff. Sept. 1, 1997.

SUBCHAPTER K. PORT AUTHORITY PERMITS

Sec. 623.210. OPTIONAL PROCEDURE.

Text of section effective until June 1, 2009

This subchapter provides an optional procedure for the issuance of a permit for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.211. DEFINITION.

Text of section effective until June 1, 2009

In this subchapter, "port authority" means a port authority created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.212. PERMITS BY PORT AUTHORITY.

Text of section effective until June 1, 2009

The department may authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.213. MAINTENANCE CONTRACTS.

Text of section effective until June 1, 2009

A port authority issuing permits under this subchapter shall make payments to the department to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.214. PERMIT FEES.

Text of section effective until June 1, 2009

(a) A port authority may collect a fee for permits issued under this subchapter. Such fees shall not exceed \$80 per trip.

(b) Fees collected under Subsection (a) shall be used solely to provide funds for the payments provided for under Section 623.213 less administrative costs which shall not exceed 15 percent of the fees collected. Such fees shall be deposited in State Highway Fund 6.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 624, Sec. 1, eff. June 18, 1999.

Sec. 623.215. PERMIT REQUIREMENTS.

Text of section effective until June 1, 2009

(a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;

(3) the signature of the director of the port authority;

(4) a statement of the kind of cargo being transported over State Highways 48 and 4 between the Gateway International Bridge and the entrance to the Port of Brownsville, or over State Highways 48 and 4 and United States Highways 77 and 83 between Veterans International Bridge at Los Tomates and the entrance to the Port of Brownsville, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported provided the gross weight of such equipment and commodities shall not exceed 125,000 pounds;

(5) a statement of any condition on which the permit is issued;

(6) a statement that the cargo shall be transported over the most direct route from the Gateway International Bridge or the Veterans International Bridge at Los Tomates to the entrance of the Port of Brownsville using State Highways 48 and 4 or United States Highways 77 and 83;

(7) the name of the driver of the vehicle in which the cargo is to be transported; and

(8) the location where the cargo was loaded.

(b) A port authority shall report to the department all permits issued under this subchapter.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 624, Sec. 2, eff. June 18, 1999.

Sec. 623.216. TIME OF MOVEMENT.

Text of section effective until June 1, 2009

A permit issued under this subchapter shall specify the time in which movement authorized by the permit is allowed.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.217. SPEED LIMIT.

Text of section effective until June 1, 2009

Movement authorized by a permit issued under this subchapter shall not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.218. ENFORCEMENT.

Text of section effective until June 1, 2009

The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.219. EXPIRATION.

Text of section effective until June 1, 2009

This subchapter expires June 1, 2009.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 624, Sec. 3, eff. June 18, 1999;

Acts 2003, 78th Leg., ch. 976, Sec. 1, eff. June 20, 2003;

Acts 2005, 79th Leg., ch. 411, Sec. 1, eff. June 17, 2005.

SUBCHAPTER L. VICTORIA COUNTY NAVIGATION DISTRICT PERMITS

Sec. 623.230. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by the Victoria County Navigation District for the movement of oversize or overweight vehicles carrying cargo on state highways located in Victoria County.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.231. DEFINITION. In this subchapter, "district" means the Victoria County Navigation District.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.232. ISSUANCE OF PERMITS. The Texas Transportation Commission may authorize the district to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in Victoria County.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.233. MAINTENANCE CONTRACTS. The district shall make payments to the department to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.234. PERMIT FEES. (a) The district may collect a fee for permits issued under this subchapter. The fees shall not exceed \$80 per trip.

(b) Fees collected under Subsection (a) shall be used solely to provide funds for the payments provided for under Section 623.233 less administrative costs, which shall not exceed 15

percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.235. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the director of the district;
- (4) a statement of the kind of cargo being transported over Farm-to-Market Road 1432 to and from the Victoria Barge Canal and up to but not past the intersection with State Highway 185, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported, provided that the gross weight of such equipment and commodities shall not exceed 125,000 pounds;
- (5) a statement of any condition on which the permit is issued;
- (6) a statement that the cargo shall only be transported to and from the Victoria Barge Canal using Farm-to-Market Road 1432 and may not be transported over State Highway 185;
- (7) the name of the driver of the vehicle in which the cargo is to be transported; and
- (8) the location where the cargo was loaded.

(b) The district shall report to the department all permits issued under this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.236. TIME OF MOVEMENT. A permit issued under this subchapter shall specify the time in which movement authorized by the permit is allowed.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.237. SPEED LIMIT. Movement authorized by a permit issued under this subchapter shall not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.238. ENFORCEMENT. The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.239. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

SUBCHAPTER M. CHAMBERS COUNTY PERMITS

Sec. 623.250. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by Chambers County for the movement of oversize or overweight vehicles carrying cargo on certain state highways located in Chambers County.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.251. DEFINITION. In this subchapter, "county" means Chambers County.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.252. ISSUANCE OF PERMITS. (a) The Texas Transportation Commission may authorize the county to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in Chambers County.

(b) A permit issued under this subchapter may authorize:
(1) the transport of cargo only on the following roads in Chambers County:

- (A) Farm-to-Market Road 1405; and
- (B) the frontage road of State Highway 99 located in the Cedar Crossing Business Park; and

(2) the movement of equipment and commodities weighing 100,000 pounds or less.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make payments to the department to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.254. PERMIT FEES. (a) The county may collect a fee for permits issued under this subchapter. The fee may not exceed \$80 per trip.

(b) Fees collected under Subsection (a) may be used only to provide funds for the payments under Section 623.253 and for the

county's administrative costs, which may not exceed 15 percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.255. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the county;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;
- (5) a statement of any condition on which the permit is issued;
- (6) a statement that the cargo may be transported in Chambers County only over Farm-to-Market Road 1405 and the frontage road of State Highway 99 located in the Cedar Crossing Business Park; and
- (7) the location where the cargo was loaded.

(b) The county shall report to the department all permits issued under this subchapter.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.256. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.257. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.258. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.

Sec. 623.259. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2005, 79th Leg., ch. 538, Sec. 1, eff. June 17, 2005.