

CHAPTER 940

H.B. No. 2329

An Act relating to identification markings on certain motor vehicles; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITION. In this Act, "special mobile equipment" has the meaning assigned by Section 2(k), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), except that the term does not include farm equipment used for purposes other than construction or special mobile equipment owned by a dealer or distributor.

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

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

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

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

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

- (1) the name, address, and telephone number of the owner of the unit of special mobile equipment;
- (2) the point of origin of the unit, including the address and telephone number at that point and the date the unit was picked up;
- (3) the destination of the unit, including the address or telephone number;
- (4) a description of the unit being transported, including the manufacturer's serial number and other identification numbers;
- (5) a description of the motor vehicle transporting the unit; and
- (6) the name, address, and telephone number of the person operating the motor vehicle transporting the unit.

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

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

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

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

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

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

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

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

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

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

SECTION 6. EFFECTIVE DATE. This Act takes effect September 1, 1985.

SECTION 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 25, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2329 on May 23, 1985, by a non-record vote; passed by the Senate, with amendments, on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: September 1, 1985