

CHAPTER 365

H.B. No. 797

An Act relating to application of weight and size limitations to the movement of certain vehicles on public highways and to permits required for certain heavy or oversized equipment.

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

SECTION 1. Chapter 41, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701a, Vernon's Texas Civil Statutes), is amended by amending Sections 1-a, 2, 3, and 4 and adding Sections 5 and 6 to read as follows:

Sec. 1-a. In order to facilitate the issuance of ~~the~~ *such* special permits, the State ~~[Highway]~~ Department of *Highways and Public Transportation* shall designate ~~[in each county]~~ a special

agent or agents who shall at all times be available for the purpose of issuing such permits in compliance with this law.

Sec. 2. The application for a permit as provided for in *Section 1* of this Act must ~~[- shall]~~ be in writing and must ~~[contain the following]:~~

(1) ~~state the [(a) The] kind of equipment to be operated, with a complete description of the equipment [same], including [and] the weight of the equipment; [same.]~~

(2) ~~state the [(b) The] kind of commodity to be transported[;] and the weight of the total load; [same.]~~

(3) ~~state the [(c) The] highway and the distance over which the equipment [same] is to be operated; and[.]~~

(4) ~~[(d) The same shall] be dated and signed by the applicant.~~

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

(b) There shall also accompany the application for permit a fee of \$20 for single trip permits, \$40 for time permits not exceeding a period of thirty (30) days; \$60 for time permits not exceeding a period of sixty (60) days and \$80 for time permits not exceeding a period of ninety (90) days, which fee shall be by the Department deposited in the Treasury of the State of Texas to the credit of the State Highway Fund.

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

(d) As a further prerequisite to the issuance of any such permits, the equipment to be operated under such permit must have been registered under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6615a-1 et seq., Vernon's Texas Civil Statutes), for maximum gross weight applicable to such vehicle under Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), not exceeding eighty thousand (80,000) pounds total gross weight.

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

Sec. 4. Any permit provided for in *Section 1* of this Act issued by the State ~~[Highway] Department of Highways and Public Transportation must include[; shall be substantially in the following form]:~~

(1) ~~[(a) It shall contain] the name of the applicant; [and shall be dated and signed by the State Highway Engineer or a Division Engineer.]~~

(2) ~~the date of issuance;~~

(3) ~~the signature of the state engineer-director for highways and public transportation or of a division engineer;~~

(4) ~~a statement of [(b) It shall state] the kind of equipment to be transported over the highway, together with the weight and dimensions of the equipment [same] and the kind and weight of the commodity to be transported;[.]~~

(5) ~~a statement of [(c) It shall state] the highway and distance over which the equipment [same] is to be transported; and[.]~~

(6) ~~a statement of [(d) It shall state] any condition upon which the permit is issued.~~

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

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

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

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

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

Sec. 6. The State Department of Highways and Public Transportation by rule may impose reasonable restrictions regarding 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.

SECTION 2. Subdivision (1), Subsection (c), Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) No motor vehicle, other than a truck-tractor, shall exceed a length of forty-five (45) feet. Except as provided in Subsection (c-1) of this section, it shall be lawful for any combination of not more than three (3) vehicles to be coupled together including, but not limited to, a truck and semi-trailer, truck and trailer, truck-tractor and semi-trailer and trailer, or a truck-tractor and two trailers, provided such combination of vehicles, other than a truck-tractor combination, shall not exceed a length of sixty-five (65) feet, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town; and unless, in the case of any combination of such vehicles, same be operated by municipal corporations in adjoining suburbs wherein said municipal corporation has heretofore been using such or like equipment in connection with an established service to such suburbs of the municipality. *The length limitations in this subdivision do not apply to a truck-tractor, truck-tractor combination, or a truck-trailer combination exclusively transporting oil field equipment, as that term is defined by Subsection (i) of Section 1, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes). Motor[; provided further, that motor] buses as defined in Acts of the 41st Legislature, 2nd Called Session, 1929, Chapter 88, as amended, exceeding thirty-five (35) feet in length, but not exceeding forty (40) feet in length, may be lawfully operated over the highways of this state if such motor buses are equipped with air brakes and have a minimum of four (4) tires on the rear axle. The[; and provided further, that the above] limitations in this subdivision shall not apply to any mobile home or to any combination of a mobile home and a motor vehicle, but no mobile home and motor vehicle combination shall exceed a total length of fifty-five (55) feet. "Mobile home" as used herein means a living quarters equipped and used for sleeping and eating and which may be moved from one location to another over a public highway by being pulled behind a motor vehicle. No mobile home, as the same is defined herein, shall be entitled to the exemption contained in this Subsection unless the owner thereof shall have paid all taxes, including ad valorem taxes, and fees due and payable under the laws of this state, levied on said mobile home.*

SECTION 3. A violation of Section 3, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), that occurred before the effective date of this Act is subject to the law in effect when the violation occurred, and the former law is continued in effect for that purpose.

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 14, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 797 on May 26, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 10, 1985

Effective: August 26, 1985