

## CHAPTER 289

## S.B. No. 1114

An Act relating to application of weight, width, and size regulations to the movement of implements of husbandry on public highways; prescribing certain fees; amending Chapter 41, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701a, Vernon's Texas Civil Statutes), by adding Section 1-b and amending Sections 2, 3, and 4; amending Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), by adding Subdivision (5) to Subsection (a) of Section 3 and by amending Subdivision (2) of Subsection (a) of Section 3 and Subsection (b) of Section 2.

*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, as amended (Article 6701a, Vernon's Texas Civil Statutes), is amended by adding Section 1-b and amending Sections 2, 3, and 4 to read as follows:

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

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

"(1) implements of husbandry by a dealer in those implements; and

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

"Section 2. (a) The application for a permit as provided for in 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.

"(b) Subdivision (3) of Subsection (a) of this section does not apply to an application for a permit under Section 1-b of this Act.

"Section 3. 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. 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, or \$90 for a permit issued under Section 1-b of this Act, which fee shall be by the Department deposited in the Treasury of the State of Texas to the credit of the State Highway Fund. As a further prerequisite to the issuance of any such permits, the equipment to be operated under such permit must have been registered under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as

amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), for maximum gross weight applicable to such vehicle under Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes) not exceeding eighty thousand (80,000) pounds total gross weight. 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.

"Section 4. (a) Any permit provided for in 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 [~~(e) 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.*

"(b) *Subdivision (5) of Subsection (a) of this section does not apply to a permit issued under Section 1-b of this Act."*

**SECTION 2.** Subsection (a), 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 by adding Subdivision (5) to read as follows:

"(5) *The width limitations in this subsection do not apply to a vehicle on which the owner or an agent or employee of the owner of an implement of husbandry is carrying or moving the implement for a distance of not more than fifty (50) miles, provided:*

"(i) *the owner, agent, or employee is delivering the implement to a new owner;*

"(ii) *the owner, agent, or employee is transporting the implement to or from a mechanic for maintenance or repair; or*

"(iii) *the owner, agent, or employee is moving the implement in the course of an agricultural operation."*

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

"(2) The width limitations in this subdivision apply only on highways designated under Section 3-1/2 of this Act. No vehicle shall exceed a total outside width, including any load thereon, of ninety-six (96) inches, except that the width of a farm tractor shall not exceed nine (9) feet, excepting further that the limitations as to size of vehicle stated in this subdivision shall not apply to implements of husbandry, machinery used solely for the purpose of drilling water wells regardless of whether it is a unit in itself or is a unit mounted on a conventional vehicle or chassis, and highway building and maintenance machinery temporarily propelled or moved upon the public highways. ~~The [~~;~~ excepting further, that the limitations as to size of vehicles stated in this subdivision shall not apply to vehicles on which implements of husbandry are being carried or moved provided such vehicles are being moved by the owner thereof or his agent or employee for the purpose of delivering implements to their owner, delivering the implements to a mechanic for maintenance or repair, or carrying on agricultural operations, and provided further that such implements are being moved or carried a distance of not more than fifty (50) miles, and excepting further, that the]~~ width of a motor bus or trolley bus operated exclusively within the limits of an incorporated city or town in this State and suburbs contiguous thereto and the county in which said incorporated city is located shall not exceed one hundred and two (102) inches."

**SECTION 4.** Subsection (b), Section 2, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701d-11, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The Commissioners Courts through the County Judges of the several counties of this State may issue permits limited to periods of ninety (90) days or less for the transportation over highways of their respective counties other than State highways and public roads within the

boundaries of an incorporated municipality, overweight or oversize or overlength commodities which cannot be reasonably dismantled, or for the operation over these highways of superheavy or oversize equipment for the transportation of oversize or overweight or overlength commodities which cannot be reasonably dismantled. *A County Judge may, in the same manner, issue an annual permit to a dealer in implements of husbandry to allow the dealer to use vehicles that exceed the width limitations in this Act and are not exempt under Subdivision (5) of Subsection (a) of Section 3 of this Act to transport the implements on the highways.* A County Judge may exercise authority independently of the Commissioners Court until the Commissioners Court takes action on each request.”

**SECTION 5.** 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 the Senate on April 18, 1985, by a viva-voce vote; passed the House on May 21, 1985, by a non-record vote.

Approved: June 6, 1985

Effective: August 26, 1985