

CHAPTER 633

H.B. No. 1047

AN ACT

relating to the authority of the Texas Transportation Commission to establish vehicle weight loads on certain roads.

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

SECTION 1. Section 5-1/2, 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:

Sec. 5-1/2. (a) The *Texas Transportation* [~~State Highway~~] Commission shall have the power and authority upon the basis of an engineering and traffic investigation to determine and fix the maximum gross weight of vehicle, or combination thereof, and load as well as the maximum axle and wheel loads, to be transported or moved on, over or upon any State highway or any road that has been classified by the *Texas Transportation* [~~Highway~~] Commission and shown by the records of the Commission as a Farm-to-Market or Ranch-to-Market road under the jurisdiction of the *Texas Transportation* [~~State Highway~~] Commission, at less than the maximums hereinbefore fixed by law, taking into consideration the width, condition and type of pavement structures and other circumstances on such road, when it is found that greater maximum weights would tend to rapidly deteriorate or destroy the roads, bridges or culverts along the particular road or highway sought to be protected. Whenever the *Texas Transportation* [~~State Highway~~] Commission shall determine and fix the maximum gross weight of vehicle, or combination thereof, and load or maximum axle and wheel loads, which may be transported or moved on, over or upon any such State Highway or Farm-to-Market or Ranch-to-Market road at a less weight than the respective maximums hereinbefore set forth in this Act and shall declare such maximums by proper order of the Commission entered on its minutes, such gross weight of vehicle, or combination thereof, and load and maximum axles and wheel loads shall become effective and operative on said highway or road when appropriate signs giving notice thereof are erected under the order of the Commission on such State highway or Farm-to-Market or Ranch-to-Market road.

(b) The Commissioners Court of any county shall have the same power and authority to limit the maximum weights to be transported or moved on, over or upon any county road, bridge or culvert that is given by this Act to the *Texas Transportation* [~~State Highway~~] Commission with respect to State highways and State Farm-to-Market and Ranch-to-Market roads. The Commissioners Court shall exercise its authority with respect to county roads in the same manner and under the same conditions as provided herein for the *Texas Transportation* [~~State Highway~~] Commission with respect to highways and roads under its jurisdiction, and its action shall be entered on its minutes and become effective and operative on county roads when appropriate signs giving notice thereof are erected on such roads in accordance with the order of the Commissioners Court.

(c) It shall be unlawful for and constitute a misdemeanor for any person, corporation, receiver or association to drive, operate or move, or for the owner to cause or permit to be driven, operated or moved, on any such highway or road any vehicle, or combination of vehicles, which in any respect exceeds the maximum gross weight or maximum axle or wheel loads fixed for any such highway or road by the *Texas Transportation* [~~State Highway~~] Commission or a Commissioners Court in accordance with the terms of this Section. Any person, corporation, receiver or association who commits the violation heretofore set out shall, upon conviction, be subject to and punished by the same fines and penalties for the first and subsequent offenses as are set out in Section 5 of House Bill No. 19, Chapter 71, Acts of the Forty-seventh Legislature, Regular Session, 1941[~~—(codified in Vernon's as Section 9c of Article 827a of the Penal Code)~~].

(d) Provided, however, that nothing in this Act shall in anywise alter, amend or repeal any law of this State authorizing or providing for special permits for weights in excess of those provided by law or fixed under this Act.

(e) Provided, further, that this Section shall not apply to vehicles making deliveries of groceries, ~~or~~ farm products, or liquefied petroleum gas to destinations requiring travel over such roads, provided however that any vehicle delivering liquefied petroleum gas to destinations requiring travel over a county road, bridge, or culvert shall not exceed the maximum weight limits established under Subsection (b) of this Section; but, if for any reason this exception is unconstitutional or invalid, it is the intention of the Legislature to enact, and it does here and now enact and pass, this Act without such exception; and if it be invalid, such exception alone shall fall and be held for naught, and the remainder of the Act shall be and remain unimpaired and it is so enacted.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. 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 May 8, 1993, by a non-record vote; passed by the Senate on May 30, 1993, by a viva-voce vote.

Approved June 12, 1993.

Effective Sept. 1, 1993.