

CHAPTER 475

H.B. No. 1156

AN ACT

relating to the maximum deviation from the base rate that a motor carrier may charge.

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

SECTION 1. Subdivision (4), Subsection (a), Section 4, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes); as amended by S.B. No. 1313, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(4) Notwithstanding any other provision of this Act or any existing Commission regulation, motor carriers other than specialized motor carriers and other than contract carriers

subject to Commission-prescribed tariffs governing transportation of specialized commodities shall be permitted to deviate from the prescribed base rate (i) for shipments weighing in excess of 500 pounds but less than 10,000 pounds by an amount not to exceed five percent above or below such base rate; (ii) except as provided by Item (iii), for shipments weighing in excess of 10,000 pounds *but not more than 25,000 pounds*, by an amount not to exceed 25 percent above or below such base rate; and (iii) for shipments *weighing in excess of 25,000 pounds, or constituting a capacity load under tariffs, rules, or regulations adopted by the Commission, [of general commodities in a truckload quantity as authorized under Section 6(c) of this Act]* by an amount not to exceed 40 percent above or below such base rate; provided, that a carrier or carriers electing to so deviate shall file notice thereof with the Commission. Such proposed deviation shall become effective five days after filing and receipt by the Commission. In the event the simplified base rate is thereafter increased or decreased, such increase or decrease shall be applied to any deviation rate published under this subdivision. Provided, however, that the Commission shall promptly provide notice to the public of any deviation under this subsection and with respect to any such deviation any interested party shall have the right to petition the Commission for suspension of such deviation within 15 days of such notice on the grounds that the deviation results in predatory pricing as hereinafter defined. The deviation shall remain in effect and shall not be suspended unless the Commission, after hearing, shall determine that suspension is warranted and so orders.

SECTION 2. Subsection (k), Section 1, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes), as amended by S.B. No. 1313, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(k) *For purposes of Section 6(c) of this Act, "truckload [Truckload] quantity" means a single shipment that:*

- (1) is transported for a single consignor who has exclusive use of the transporting vehicle; and
- (2) weighs 25,000 pounds or more or constitutes a capacity load under tariffs, rules, or regulations adopted by the Commission.

SECTION 3. This Act takes effect September 1, 1993.

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.

Passed by the House on May 11, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 9, 1993.

Effective Sept. 1, 1993.