

CHAPTER 896

H.B. No. 1646

AN ACT

relating to the regulation of overweight, overlong, or oversized vehicles; providing a criminal penalty.

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 adding Section 7 to read as follows:

Sec. 7. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Act.

(b) Any person, corporation, or receiver who operates a motor vehicle in violation of any provision of this Act shall, upon conviction, be punished by a fine of not more than \$200; for a second conviction within one (1) year thereafter, such person, corporation, or receiver shall be punished by a fine of not more than \$500, by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the second conviction, such person, corporation, or receiver shall be punished by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Provisions hereof with respect to imprisonment shall not be applicable to corporations, but double the fines herein provided for may be imposed against them in lieu of imprisonment.

(c) The judge shall report any convictions under Subsection (b) of this section to the Department of Public Safety. The department shall keep a record of each conviction.

(d) If a corporation does not pay a fine assessed under Subsection (b) of this section, the district or county attorney for the county in which the conviction was obtained may file suit to collect the fine in a court of competent jurisdiction.

SECTION 2. 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 Section 6A to read as follows:

Sec. 6A. (a) In addition to the authority granted under Section 6 of this Act to certain officers to weigh a loaded motor vehicle, a port-of-entry supervisor or inspector employed by the Alcoholic Beverage Commission who has reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful may weigh the vehicle by means of portable or stationary scales furnished or approved by the Department of Public Safety. If the vehicle exceeds the maximum gross weight authorized by law, plus the tolerance allowance provided by Section 6, the port-of-entry supervisor or inspector employed by the Alcoholic Beverage Commission may prohibit the vehicle from proceeding further into the state.

(b) The prohibition provided by Subdivision 4 of Section 6 of this Act applies also to gifts or promises of gifts made to a port-of-entry supervisor or inspector employed by the Alcoholic Beverage Commission.

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

Ch. 896, § 3

70th LEGISLATURE—REGULAR SESSION

Passed by the House on May 14, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.