

CHAPTER 746

H.B. No. 647

AN ACT

relating to the punishment for the operation of certain overweight vehicles.

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

SECTION 1. Section 5, Chapter 71, Acts of the 47th Legislature, Regular Session, 1941, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) *Except as provided by Subsection (c), any [Any] person, corporation, receiver or association who violates any provision of Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), [of this Act] (the Section fixing the gross weight of commercial motor vehicles) shall, upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100), nor more than One Hundred Fifty Dollars (\$150); for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than One Hundred Fifty Dollars (\$150) nor more than Two Hundred Fifty Dollars (\$250) or 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 year after the second conviction such person, corporation, receiver, or association shall be punished by a fine of not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section and it shall be the duty of the Department of Public Safety to keep a record thereof.*

(c) *The court may assess a fine less than an amount prescribed by Subsection (a) of this section to a person, corporation, receiver, or association that is convicted of a violation of the axle load limitations in Section 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), if the court finds that at the time the violation was committed:*

(1) *the person, corporation, receiver, or association was operating a vehicle that was licensed under Section 5(a), Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes), to carry the total gross weight authorized for that vehicle by this Act; and*

(2) *the gross weight for the vehicle did not exceed the gross weight for which it was registered under Section 5(a), Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes).*

SECTION 2. This Act takes effect September 1, 1987, and applies only to a punishment for a violation of a weight and load limitation that occurs on or after that date. A violation that occurs before the effective date of this Act is punishable by the law in existence at the time the violation was committed and the former law is continued in effect for the purpose. For purposes of this section a violation is committed before the effective date of this Act if any element of the violation occurs before that date.

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 18, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Sept. 1, 1987.