

By: Morrison

H.B. No. 3854

Substitute the following for H.B. No. 3854:

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C.S.H.B. No. 3854

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the movement of certain vehicles transporting an
3 intermodal shipping container; authorizing a fee; creating an
4 offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 550.062, Transportation Code, is amended
7 by adding Subsection (b-1) to read as follows:

8 (b-1) If the motor vehicle accident involved a combination
9 of vehicles operating under a permit issued under Section 623.402,
10 the report required by Subsection (a) must include the weight and
11 the number of axles of the vehicle combination.

12 SECTION 2. Section 621.303, Transportation Code, is amended
13 to read as follows:

14 Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.

15 (a) The governing body of any municipality may regulate the
16 movement and operation on a public road, other than a state highway
17 in the territory of the municipality, of:

18 (1) an overweight, oversize, or overlength commodity
19 that cannot reasonably be dismantled; and

20 (2) superheavy or oversize equipment for the
21 transportation of an overweight, oversize, or overlength commodity
22 that cannot be reasonably dismantled.

23 (b) The governing body of a municipality may not, because of
24 weight, regulate the movement and operation on a state highway or

1 county or municipal road of a combination of vehicles operating
2 under a permit issued under Section 623.402.

3 SECTION 3. Chapter 623, Transportation Code, is amended by
4 adding Subchapter U to read as follows:

5 SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

6 Sec. 623.401. DEFINITION. In this subchapter, "intermodal
7 shipping container" means an enclosed, standardized, reusable
8 container that:

9 (1) is used to pack, ship, move, or transport cargo;

10 (2) is designed to be carried on a semitrailer and
11 loaded onto or unloaded from:

12 (A) a ship or vessel for international
13 transportation; or

14 (B) a rail system for international
15 transportation; and

16 (3) when combined with vehicles transporting the
17 container, has a gross weight or axle weight that exceeds the limits
18 allowed by law to be transported over a state highway or county or
19 municipal road.

20 Sec. 623.402. ISSUANCE OF PERMIT. (a) The department may
21 issue an annual permit authorizing the movement of a sealed
22 intermodal shipping container moving in international
23 transportation by a truck-tractor and semitrailer combination that
24 has six total axles and is equipped with a roll stability support
25 safety system and truck blind spot systems only if:

26 (1) the gross weight of the combination does not
27 exceed 93,000 pounds;

1 (2) the distance between the front axle of the
2 truck-tractor and the last axle of the semitrailer, measured
3 longitudinally, is approximately 647 inches;

4 (3) the truck-tractor is configured as follows:

5 (A) one single axle that does not exceed 13,000
6 pounds;

7 (B) one two-axle group that does not exceed
8 37,000 pounds, in which no axle in the group exceeds 18,500 pounds;
9 and

10 (C) the distance between the individual axles on
11 the two-axle group of the truck-tractor, measured longitudinally,
12 is not less than 51 inches and not more than 52 inches; and

13 (4) the semitrailer is configured as follows:

14 (A) one three-axle group that does not exceed
15 49,195 pounds, in which no axle in the group exceeds 16,400 pounds;
16 and

17 (B) the distance between the individual axles in
18 the three-axle group of the semitrailer, measured longitudinally,
19 is 60 inches.

20 (b) The department may issue an annual permit authorizing
21 the movement of a sealed intermodal shipping container moving in
22 international transportation by a truck-tractor and semitrailer
23 combination that has seven total axles and is equipped with a roll
24 stability support safety system and truck blind spot systems only
25 if:

26 (1) the gross weight of the combination does not
27 exceed 100,000 pounds;

1 (2) the distance between the front axle of the
2 truck-tractor and the last axle of the semitrailer, measured
3 longitudinally, is approximately 612 inches;

4 (3) the truck-tractor is configured as follows:

5 (A) one single axle that does not exceed 15,000
6 pounds;

7 (B) one three-axle group that does not exceed
8 44,500 pounds, in which no axle in the group exceeds 14,900 pounds;
9 and

10 (C) the distance between the individual axles on
11 the three-axle group of the truck-tractor, measured
12 longitudinally, is not less than 51 inches and not more than 52
13 inches; and

14 (4) the semitrailer is configured as follows:

15 (A) one three-axle group that does not exceed
16 46,200 pounds, in which no axle in the group exceeds 15,400 pounds;
17 and

18 (B) the distance between the individual axles in
19 the three-axle group of the semitrailer, measured longitudinally,
20 is 60 inches.

21 (c) For purposes of Subsections (a) and (b), the gross
22 weight, group weights, and axle weights listed in those subsections
23 include all enforcement tolerances.

24 Sec. 623.403. COUNTY AND MUNICIPALITY DESIGNATION. (a) An
25 applicant for a permit under this subchapter must designate each
26 county and municipality in which the permit will be used.

27 (b) A permit issued under this subchapter is not valid in a

1 county or municipality that is not designated in the permit
2 application.

3 Sec. 623.404. PERMIT FEE. (a) An application for a permit
4 under Section 623.402(a) or (b) must be accompanied by a permit fee
5 of \$5,000, of which:

6 (1) 60 percent shall be deposited to the credit of the
7 state highway fund;

8 (2) 35 percent shall be equally divided among and
9 distributed to each county designated in the permit application;
10 and

11 (3) 5 percent shall be equally divided among and
12 distributed to each municipality designated in the permit
13 application.

14 (b) At least once each fiscal year, the comptroller shall
15 send the amount due each county under Subsection (a) to the county
16 treasurer or office performing the function of that office for
17 deposit to the credit of the county road and bridge fund.

18 (c) At least once each fiscal year, the comptroller shall
19 send the amount due each municipality under Subsection (a) to the
20 office performing the function of treasurer for the municipality.
21 A municipality may use funds received under this subsection only to
22 fund commercial motor vehicle enforcement programs or road or
23 bridge maintenance or infrastructure projects.

24 Sec. 623.405. ROUTE RESTRICTIONS. (a) A permit issued
25 under this subchapter does not authorize the operation of a
26 truck-tractor and semitrailer combination on:

27 (1) the national system of interstate and defense

1 highways; or

2 (2) load-restricted roads or bridges, including a road
3 or bridge for which a maximum weight and load limit has been
4 established and posted by the Texas Department of Transportation
5 under Section 621.102 or the commissioners court of a county under
6 Section 621.301.

7 (b) Subject to Section 623.406, a permit issued under this
8 subchapter authorizes the operation of a truck-tractor and
9 semitrailer combination only on highways and roads approved by the
10 Texas Department of Transportation.

11 Sec. 623.406. PERMIT CONDITIONS. (a) In this section,
12 "port of entry" has the meaning assigned by Section 621.001.

13 (b) The transportation of a sealed intermodal shipping
14 container under a permit issued under this subchapter:

15 (1) must begin or end at a port of entry that is
16 located:

17 (A) in a county contiguous to the Gulf of Mexico
18 or a bay or inlet opening into the gulf; or

19 (B) between this state and the United Mexican
20 States; and

21 (2) may not exceed 30 miles from the port of entry and
22 must be on a highway or road described by Section 623.405(b).

23 (c) In addition to the requirements of Subsection (b), the
24 intermodal shipping container must be continuously sealed from the
25 point of origin to the point of destination with a seal that is
26 required by:

27 (1) the United States Customs and Border Protection;

1 (2) the United States Food and Drug Administration; or

2 (3) federal law or regulation.

3 (d) A permit issued under this subchapter does not authorize
4 the transportation of a material designated as of January 1, 2017,
5 as a hazardous material by the United States secretary of
6 transportation under 49 U.S.C. Section 5103(a).

7 (e) A permit issued under this subchapter does not authorize
8 the transportation of a sealed intermodal shipping container in a
9 county that borders New Mexico and the United Mexican States.

10 Sec. 623.407. PERMIT STICKER. (a) When the department
11 issues a permit under this subchapter, the department shall issue a
12 sticker to be placed on the front windshield of the truck-tractor.
13 The department shall design the form of the sticker to aid in the
14 enforcement of weight limits.

15 (b) The sticker must:

16 (1) indicate the expiration date of the permit; and

17 (2) be removed from the truck-tractor when:

18 (A) the permit for operation of the truck-tractor
19 expires;

20 (B) a lease of the truck-tractor expires; or

21 (C) the truck-tractor is sold.

22 Sec. 623.408. PERMIT AND WEIGHT RECORD DOCUMENTS. (a) A
23 permit issued under this subchapter must be carried in the
24 truck-tractor for which the permit is issued.

25 (b) A copy of the weight record in the form prescribed by the
26 department must contain the information required by Section
27 621.410(c) and must be:

1 (1) carried in the truck-tractor if the truck-tractor
2 is:

3 (A) on a public highway or road; and
4 (B) transporting an intermodal shipping
5 container that contains cargo; and

6 (2) presented, on request, to an officer authorized to
7 enforce this subtitle, regardless of whether a weight record is
8 required under Section 621.410.

9 Sec. 623.409. OFFENSE. (a) A person commits an offense if
10 the person fails to:

11 (1) display the sticker described by Section
12 623.407(a) in the manner required by that section;

13 (2) carry a permit issued under this subchapter as
14 required by Section 623.408(a); or

15 (3) carry or present a weight record as required by
16 Section 623.408(b).

17 (b) An offense under this section is a Class C misdemeanor.

18 Sec. 623.410. RULES. (a) The department shall adopt rules
19 necessary to implement this subchapter, including rules governing
20 the application for a permit under this subchapter.

21 (b) The Department of Public Safety shall adopt rules
22 requiring additional safety and driver training for permits issued
23 under this subchapter.

24 SECTION 4. Section 623.003(b), Transportation Code, is
25 amended to read as follows:

26 (b) The Texas Department of Transportation shall provide
27 the department with all routing information necessary to complete a

1 permit issued under Section 623.071, 623.121, 623.142, [~~or~~]
2 623.192, or 623.402.

3 SECTION 5. Section 623.018(d), Transportation Code, is
4 amended to read as follows:

5 (d) If a vehicle is being operated in compliance with [~~has~~]
6 a permit issued under Section 623.011 or 623.402, a commissioners
7 court may not:

8 (1) issue a permit under this section or charge an
9 additional fee for or otherwise regulate or restrict the operation
10 of the vehicle because of weight; or

11 (2) require the owner or operator to:

12 (A) execute or comply with a road use agreement
13 or indemnity agreement;

14 (B) [~~to~~] make a filing or application; or

15 (C) [~~or to~~] provide a bond or letter of credit,
16 other than the bond or letter of credit prescribed by Section
17 623.012 for a vehicle issued a permit under Section 623.011.

18 SECTION 6. Subchapter D, Chapter 623, Transportation Code,
19 is amended by adding Section 623.070 to read as follows:

20 Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER. This
21 subchapter does not apply to the transportation of an intermodal
22 shipping container as defined by Section 623.401, regardless of
23 whether the container is sealed or unsealed.

24 SECTION 7. This Act takes effect January 1, 2018.