

AN ACT

relating to the movement of certain vehicles, including vehicles transporting an intermodal shipping container; authorizing a fee; creating an offense.

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

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

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

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

Sec. 621.303. MUNICIPAL REGULATION OF LOADS AND EQUIPMENT.

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

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

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

(b) The governing body of a municipality may not, because of 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 \$6,000, of which:

6 (1) 50 percent shall be deposited to the credit of the
7 state highway fund;

8 (2) 30 percent shall be equally divided among and
9 distributed to each county designated in the permit application;

10 (3) 16 percent shall be equally divided among and
11 distributed to each municipality designated in the permit
12 application; and

13 (4) 4 percent shall be deposited to the credit of the
14 Texas Department of Motor Vehicles fund.

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

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

25 (d) Notwithstanding Subsection (a), the amount of a fee
26 under Subsection (a) to accompany a permit application that is
27 received on or after January 1, 2028, must be determined by the

1 department after consultation with The University of Texas Center
2 for Transportation Research and the Texas A&M Transportation
3 Institute.

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

7 (1) the national system of interstate and defense
8 highways; or

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

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

18 Sec. 623.406. PERMIT CONDITIONS. (a) In this section:

19 (1) "Port authority" means a port authority or
20 navigation district created or operating under Section 52, Article
21 III, or Section 59, Article XVI, Texas Constitution.

22 (2) "Port of entry" has the meaning assigned by
23 Section 621.001.

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

26 (1) must begin or end at a port authority or port of
27 entry that is located in a county contiguous to the Gulf of Mexico

1 or a bay or inlet opening into the gulf; and

2 (2) may not exceed 30 miles from the port authority or
3 port of entry and must be on a highway or road described by Section
4 623.405(b).

5 (c) In addition to the requirements of Subsection (b), the
6 intermodal shipping container must be continuously sealed from the
7 point of origin to the point of destination with a seal that is
8 required by:

- 9 (1) the United States Customs and Border Protection;
10 (2) the United States Food and Drug Administration; or
11 (3) federal law or regulation.

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

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

19 Sec. 623.407. PERMIT STICKER. (a) When the department
20 issues a permit under this subchapter, the department shall issue a
21 sticker to be placed on the front windshield of the truck-tractor.
22 The department shall design the form of the sticker to aid in the
23 enforcement of weight limits.

24 (b) The sticker must:

- 25 (1) indicate the expiration date of the permit; and
26 (2) be removed from the truck-tractor when:

27 (A) the permit for operation of the truck-tractor

1 expires;

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

3 (C) the truck-tractor is sold.

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

7 (b) A copy of the weight record in the form prescribed by the
8 department must contain the information required by Section
9 621.410(c) and must be:

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

12 (A) on a public highway or road; and

13 (B) transporting an intermodal shipping
14 container that contains cargo; and

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

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

20 (1) display the sticker described by Section
21 623.407(a) in the manner required by that section;

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

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

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

27 Sec. 623.410. STUDY. Beginning in 2022, not later than

1 September 1 of each even-numbered year, the Texas Department of
2 Transportation shall conduct a study concerning vehicles operating
3 under a permit issued under this subchapter and publish the results
4 of the study. In conducting the study, the Texas Department of
5 Transportation shall collect and examine the following
6 information:

7 (1) the weight and configuration of vehicles operating
8 under a permit issued under this subchapter that are involved in a
9 motor vehicle accident;

10 (2) the types of vehicles operating under a permit
11 issued under this subchapter;

12 (3) traffic volumes and variations of vehicles
13 operating under a permit issued under this subchapter;

14 (4) weigh-in-motion data for highways and roads
15 located in and around the area described by Section 623.405(b);

16 (5) impacts to state and local bridges, including
17 long-term bridge performance, for bridges located in and around the
18 area described by Section 623.405(b); and

19 (6) impacts to state and local roads, including
20 changes in pavement design standards, construction specification
21 details, maintenance frequency and types, and properties of
22 pavement and underlying soils resulting from or necessitated by
23 vehicles operating under a permit issued under this subchapter.

24 Sec. 623.411. RULES. (a) The department shall adopt rules
25 necessary to implement this subchapter, including rules governing
26 the application for a permit under this subchapter.

27 (b) The Department of Public Safety shall adopt rules

1 requiring additional safety and driver training for permits issued
2 under this subchapter.

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

5 (b) The Texas Department of Transportation shall provide
6 the department with all routing information necessary to complete a
7 permit issued under Section 623.071, 623.121, 623.142, [~~or~~]
8 623.192, or 623.402.

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

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

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

17 (2) require the owner or operator to:

18 (A) execute or comply with a road use agreement
19 or indemnity agreement;

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

21 (C) [~~or to~~] provide a bond or letter of credit,
22 other than the bond or letter of credit prescribed by Section
23 623.012 for a vehicle issued a permit under Section 623.011.

24 SECTION 6. Section 623.019(f), Transportation Code, is
25 amended to read as follows:

26 (f) A justice or municipal court [~~of the peace~~] has
27 jurisdiction of an [~~any~~] offense under this section. [~~A municipal~~

1 ~~court has jurisdiction of an offense under this section in which the~~
2 ~~fine does not exceed \$500.]~~

3 SECTION 7. Subchapter D, Chapter 623, Transportation Code,
4 is amended by adding Section 623.070 to read as follows:

5 Sec. 623.070. NONAPPLICABILITY OF SUBCHAPTER. This
6 subchapter does not apply to the transportation of an intermodal
7 shipping container as defined by Section 623.401, regardless of
8 whether the container is sealed or unsealed.

9 SECTION 8. This Act takes effect January 1, 2018.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1524 passed the Senate on April 10, 2017, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendments on May 16, 2017, by the following vote: Yeas 25, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 1524 passed the House, with amendments, on May 11, 2017, by the following vote: Yeas 83, Nays 51, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor