

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE E. VEHICLE SIZE AND WEIGHT

CHAPTER 623. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 623.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Motor Vehicles.

(2) "Shipper" means a person who consigns the movement of a shipment.

(3) "Shipper's certificate of weight" means a document described by Section [623.274](#).

(4) "Board" means the board of the Texas Department of Motor Vehicles.

(5) "Commission" means the Texas Transportation Commission.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. [2093](#)), Sec. 14, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 69, eff. September 1, 2011.

Sec. 623.002. RULEMAKING AUTHORITY. The board may adopt rules necessary to implement and enforce this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 70, eff. September 1, 2011.

Sec. 623.003. ROUTE DETERMINATION. (a) To the extent the department is required to determine a route under this chapter, the department shall base the department's routing decision on information provided by the Texas Department of Transportation.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 4

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

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 750
(S.B. [1383](#)), Sec. 3

(b) The Texas Department of Transportation shall provide the department with all routing information necessary to complete a permit issued under Section [623.071](#), [623.121](#), [623.142](#), [623.192](#), or [623.401](#).

Added by Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 70, eff. September 1, 2011.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 4, eff. January 1, 2018.

Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. [1383](#)), Sec. 3, eff. January 1, 2018.

SUBCHAPTER B. GENERAL PERMITS

Sec. 623.011. PERMIT FOR EXCESS AXLE OR GROSS WEIGHT. (a) The department may issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles:

(1) at an axle weight that is not heavier than the weight equal to the maximum allowable axle weight for the vehicle or combination plus a tolerance allowance of 10 percent of that allowable weight; and

(2) at a gross weight that is not heavier than the weight equal to the maximum allowable gross weight for the vehicle or combination plus a tolerance allowance of five percent.

(b) To qualify for a permit under this section:

(1) the vehicle must be registered under Chapter [502](#)

for the maximum gross weight applicable to the vehicle under Section 621.101, not to exceed 80,000 pounds;

(2) the security requirement of Section 623.012 must be satisfied; and

(3) a base permit fee of \$90, any additional fee required by Section 623.0111, and any additional fee set by the board under Section 623.0112 must be paid.

(c) A permit issued under this section:

(1) is valid for one year; and

(2) must be carried in the vehicle for which it is issued.

(d) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(e) The sticker must:

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

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

(f) A person commits an offense if the person fails to display the sticker in the manner required by Subsection (d). An offense under this subsection is a Class C misdemeanor. Section 623.019(g) applies to an offense under this subsection.

(g) A vehicle operating under a permit issued under this section may exceed the maximum allowable gross weight tolerance allowance by not more than five percent, regardless of the weight of any one axle or tandem axle, if no axle or tandem axle exceeds the tolerance permitted by Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(a), eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1227, Sec. 8, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 700 (H.B. 441), Sec. 2, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 107, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1291 (H.B. 2305), Sec. 47, eff. March 1, 2015.

Sec. 623.0111. ADDITIONAL FEE FOR OPERATION OF VEHICLE UNDER PERMIT. (a) When a person applies for a permit under Section 623.011, the person must:

(1) designate in the application each county in which the vehicle will be operated; and

(2) pay in addition to other fees an annual fee in an amount determined according to the following table:

Number of Counties Designated	Fee
1-5	\$175
6-20	\$250
21-40	\$450
41-60	\$625
61-80	\$800
81-100	\$900
101-254	\$1,000

(b) A permit issued under Section 623.011 does not authorize the operation of the vehicle in a county that is not designated in the application.

(c) Of the fees collected under Subsection (a), the following amounts shall be deposited to the general revenue fund, 90 percent of the remainder shall be deposited to the credit of the state highway fund, and 10 percent of the remainder shall be deposited to the credit of the Texas Department of Motor Vehicles fund:

Number of Counties Designated	Amount Allocated to General Revenue Fund
1-5	\$125
6-20	\$125
21-40	\$345

41-60 \$565

61-80 \$785

81-100 \$900

101-254 \$1,000

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(b), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 4, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 51, eff. September 1, 2013.

Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a person applies for a permit under Section 623.011, the person must pay in addition to other fees an administrative fee adopted by board rule in an amount not to exceed the direct and indirect cost to the department of:

- (1) issuing a sticker under Section 623.011(d);
- (2) distributing fees under Section 621.353; and
- (3) notifying counties under Section 623.013.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(b), eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 71, eff. September 1, 2011.

Sec. 623.0113. ROUTE RESTRICTIONS. (a) Except as provided by Subsection (b), a permit issued under Section 623.011 does not authorize the operation of a vehicle on:

- (1) the national system of interstate and defense highways in this state if the weight of the vehicle is greater than authorized by federal law; or
- (2) a bridge for which a maximum weight and load limit

has been established and posted by the Texas Transportation Commission under Section 621.102 or the commissioners court of a county under Section 621.301, if the gross weight of the vehicle and load or the axles and wheel loads are greater than the limits established and posted under those sections.

(b) The restrictions under Subsection (a)(2) do not apply if a bridge described by Subsection (a)(2) provides the only public vehicular access from an origin or to a destination by a holder of a permit issued under Section 623.011.

Added by Acts 2001, 77th Leg., ch. 1227, Sec. 9, eff. Sept. 1, 2001.

Sec. 623.012. SECURITY FOR PERMIT. (a) An applicant for a permit under Section 623.011, other than a permit under that section to operate a vehicle loaded with timber or pulp wood, wood chips, cotton, or agricultural products in their natural state, and an applicant for a permit under Section 623.321 shall file with the department:

(1) a blanket bond; or

(2) an irrevocable letter of credit issued by a financial institution the deposits of which are guaranteed by the Federal Deposit Insurance Corporation.

(b) The bond or letter of credit must:

(1) be in the amount of \$15,000 payable to the Texas Department of Transportation and the counties of this state;

(2) be conditioned that the applicant will pay the Texas Department of Transportation for any damage to a state highway, and a county for any damage to a road or bridge of the county, caused by the operation of the vehicle:

(A) for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301 or 623.321; or

(B) that is in violation of Section 623.323; and

(3) provide that the issuer is to notify the Texas Department of Transportation and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

(c) If an issuer of a bond or letter of credit pays under the

bond or letter of credit, the permit holder shall file with the department before the 31st day after the date on which the payment is made:

(1) a replacement bond or letter of credit in the amount prescribed by Subsection (b) for the original bond or letter of credit; or

(2) a notification from the issuer of the existing bond or letter of credit that the bond or letter of credit has been restored to the amount prescribed by Subsection (b).

(d) If the filing is not made as required by Subsection (c), each permit held by the permit holder under Section 623.011 automatically expires on the 31st day after the date on which the payment is made on the bond or letter of credit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 72, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 108, eff. September 1, 2013.

Sec. 623.013. DEPARTMENT'S NOTICE TO COUNTY. (a) Not later than the 14th day after the date the department issues a permit under Section 623.011, the department shall notify the county clerk of each county listed in the application for the permit. The notice must include:

(1) the name and address of the person for whom a permit was issued; and

(2) the vehicle identification number and license plate number of the vehicle.

(b) The department shall send a copy of the permit and the bond or letter of credit required for the permit with the notice required by this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(c), eff. Sept. 1, 1997.

Sec. 623.014. TRANSFER OF PERMIT. (a) A permit issued

under Section [623.011](#) may not be transferred.

(b) If the vehicle for which a permit was issued is destroyed or permanently inoperable, a person may apply to the department for a credit for the remainder of the permit period.

(c) The department shall issue the prorated credit if the person:

(1) pays the fee adopted by the board; and

(2) provides the department with:

(A) the original permit; or

(B) if the original permit does not exist, written evidence in a form approved by the department that the vehicle has been destroyed or is permanently inoperable.

(d) The fee adopted by the board under Subsection (c)(1) may not exceed the cost of issuing the credit. A fee collected by the department under Subsection (c)(1) shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(e) A credit issued under Subsection (c) may be used only toward the payment of a permit fee under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.138(d), eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 109, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](#)), Sec. 52, eff. September 1, 2013.

Sec. 623.015. LIABILITY FOR DAMAGE. (a) The liability of a holder of a permit issued under Section [623.011](#) for damage to a state road or highway or a county road is not limited to the amount of the bond or letter of credit required for the issuance of the permit.

(b) The holder of a permit issued under Section [623.011](#) who has filed the bond or letter of credit required for the permit and who has filed the notice required by Section [623.013](#) is liable to the county only for the actual damage to a county road, bridge, or culvert with a load limitation established under Subchapter B of

Chapter 621 or Section 621.301 caused by the operation of the vehicle in excess of the limitation. If a county judge, county commissioner, county road supervisor, or county traffic officer requires the vehicle to travel over a designated route, it is presumed that the designated route, including a bridge or culvert on the route, is of sufficient strength and design to carry and withstand the weight of the vehicle traveling over the designated route.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.0155. INDEMNIFICATION FROM MOTOR CARRIER PROHIBITED. (a) A person may not require indemnification from a motor carrier as a condition to:

(1) the transportation of property for compensation or hire by the carrier;

(2) entrance on property by the carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(3) a service incidental to an activity described by Subdivision (1) or (2), including storage of property.

(b) Subsection (a) does not apply to:

(1) a claim arising from damage or loss from a wrongful or negligent act or omission of the carrier; or

(2) services or goods other than those described by Subsection (a).

(c) In this section, "motor carrier" means a common carrier, specialized carrier, or contract carrier that transports property for hire. The term does not include a person who transports property as an incidental activity of a nontransportation business activity regardless of whether the person imposes a separate charge for the transportation.

(d) A provision that is contrary to Subsection (a) is not enforceable.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.139(a); Acts 1997, 75th Leg., ch. 1061, Sec. 19.

Sec. 623.016. RECOVERY ON PERMIT SECURITY. (a) The Texas

Department of Transportation or a county may recover on the bond or letter of credit required for a permit issued under Section [623.011](#) only by a suit against the permit holder and the issuer of the bond or letter of credit.

(b) Venue for a suit by the Texas Department of Transportation is in a district court in:

- (1) the county in which the defendant resides;
- (2) the county in which the defendant has its principal place of business in this state if the defendant is a corporation or partnership; or
- (3) Travis County if the defendant is a corporation or partnership that does not have a principal place of business in this state.

(c) Venue for a suit by a county is in district court in:

- (1) the county in which the defendant resides;
- (2) the county in which the defendant has its principal place of business in this state; or
- (3) the county in which the damage occurred.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 455, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 73, eff. September 1, 2011.

Sec. 623.017. PERMIT FOR MOVEMENT OF CYLINDRICAL HAY BALES.

(a) The department may issue an annual permit to authorize the movement of a vehicle that is used to carry cylindrical bales of hay and that is wider than the maximum allowable vehicle width but not wider than 12 feet.

(b) A \$10 permit fee must accompany an application for a permit under this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS.

(a) In this section, "ready-mixed concrete truck" has the meaning assigned by Section [622.011](#).

(b) The department may issue a permit that authorizes the

operation of a ready-mixed concrete truck with three axles.

(c) To qualify for a permit under this section, a base permit fee of \$1,000 must be paid, except as provided by Subsection (g).

(d) A permit issued under this section:

(1) is valid for one year, except as provided by Subsection (g); and

(2) must be carried in the vehicle for which it is issued.

(e) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle above the inspection certificate issued to the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(f) The sticker must:

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

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.

(g) The department may issue a permit under this section that is valid for a period of less than one year. The department shall prorate the applicable fee required by Subsection (c) for a permit issued under this subsection as necessary to reflect the term of the permit.

(h) Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a ready-mixed concrete truck in addition to a permit, fee, or license required by state law.

(i) Section [622.015](#) does not apply to an owner of a ready-mixed concrete truck who holds a permit under this section for the truck.

(j) Unless otherwise provided by state or federal law, a ready-mixed concrete truck may operate on a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the truck

displays a sticker required by Subsection (e) and does not exceed the maximum gross weight authorized under Section [622.012](#).

(k) For the purposes of Subsection (l), the department by rule shall require an applicant to designate in the permit application the counties in which the applicant intends to operate.

(l) Of the fee collected under this section for a permit:

(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided among and distributed to the counties designated in permit applications under Subsection (k) according to department rule.

(m) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (l) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 110, eff. September 1, 2013.

Sec. 623.0172. PERMIT FOR INTERMODAL SHIPPING CONTAINER.

(a) In this section, "intermodal shipping container" means an enclosed, standardized, reusable container that:

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

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

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

(B) a rail system for international transportation; and

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

(b) The department shall issue an annual permit for the international transportation of an intermodal shipping container moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

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

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

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

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

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

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

(4) the semitrailer is configured as follows:

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

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

(c) The department shall restrict vehicles operating under a permit issued under this section to routes that are:

(1) located in a county with a population of more than 90,000;

(2) on highways in the state highway system; and

(3) not more than five miles from the border between this state and Arkansas.

(d) An intermodal shipping container being moved under a permit issued under this section must be continuously sealed from the point of origin to the point of destination with a seal that is required by:

(1) the United States Customs and Border Protection;

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

(3) federal law or regulation.

(e) A permit issued under this section does not authorize the operation of a vehicle combination described by Subsection (b)

on:

(1) load-restricted roads or bridges, including a road or bridge for which a maximum weight and load limit has been established and posted by the Texas Department of Transportation under Section [621.102](#); or

(2) routes for which the Texas Department of Transportation has not authorized the operation of a vehicle combination described by Subsection (b).

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

(g) An applicant for a permit under this section must designate each Texas Department of Transportation district in which the permit will be used.

(h) The department shall initially set the fee for a permit issued under this section in an amount not to exceed \$2,000. Beginning in 2022, on September 1 of each even-numbered year the department shall set the fee for a permit issued under this section in an amount based on a reasonable estimate of the costs associated with the operation of vehicles issued a permit under this section over routes described by Subsection (c), including any increase in the costs necessary to maintain or repair those highways. The estimate shall be based on the results of the study conducted under Subsection (l).

(i) Of the fee collected under this section for a permit:

(1) 90 percent shall be deposited to the credit of the state highway fund;

(2) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund; and

(3) 5 percent shall be deposited to the appropriate county road and bridge fund.

(j) A fee deposited under Subsection (i)(1) may only be used for transportation projects in the Texas Department of Transportation district designated in the permit application for which the fee was assessed.

(k) The department may suspend a permit issued under this

section if the department receives notice from the Federal Highway Administration that the operation of a vehicle under a permit authorized by this section would result in the loss of federal highway funding.

(1) Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this section and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle accident;

(2) the types of vehicles operating under a permit issued under this section;

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

(4) weigh-in-motion data for highways located in and around the area described by Subsection (c);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and

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

Added by Acts 2017, 85th Leg., R.S., Ch. 475 (H.B. [2319](#)), Sec. 2, eff. June 9, 2017.

Sec. 623.018. COUNTY PERMIT. (a) The commissioners court of a county, through the county judge, may issue a permit for:

(1) the transportation over highways of that county, other than state highways and public roads in the territory of a municipality, of an overweight, oversize, or overlength commodity that cannot be reasonably dismantled; or

(2) the operation over a highway of that county other

than a state highway or public road in the territory of a municipality of:

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

(B) vehicles or combinations of vehicles that exceed the weights authorized under Subchapter B, Chapter 621, or Section 621.301.

(b) A permit under Subsection (a) may not be issued for longer than 90 days.

(c) The commissioners court of a county, through the county judge, may issue an annual permit to a dealer in implements of husbandry to allow the dealer to use vehicles that exceed the width limitations provided by this chapter to transport an implement on a highway. The county judge may exercise authority under this subsection independently of the commissioners court until the commissioners court takes action on the request.

(d) If a vehicle is being operated in compliance with a permit issued under Section 623.011 or 623.402, a commissioners court may not:

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

(2) require the owner or operator to:

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

(B) make a filing or application; or

(C) provide a bond or letter of credit, other than the bond or letter of credit prescribed by Section 623.012 for a vehicle issued a permit under Section 623.011.

(e) The commissioners court may require a bond to be executed by an applicant in an amount sufficient to guarantee the payment of any damage to a road or bridge sustained as a consequence of the transportation authorized by the permit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 5, eff.

January 1, 2018.

Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The department may issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles, that exceeds the maximum weight limit as set by the department due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if the department finds that such an exemption would reduce nitrogen oxide emissions.

Added by Acts 2011, 82nd Leg., R.S., Ch. 941 (H.B. 422), Sec. 1, eff. June 17, 2011.

Sec. 623.019. VIOLATIONS OF SUBCHAPTER; OFFENSES. (a) A person who holds a permit issued under Section 623.011 commits an offense if:

(1) the person:

(A) operates or directs the operation of the vehicle for which the permit was issued on a public highway or road; and

(B) is criminally negligent with regard to the operation of the vehicle at a weight heavier than the weight limit authorized by Section 623.011; or

(2) the person operates or directs the operation of the vehicle for which the permit was issued:

(A) in a county not designated in the person's application under Section 623.0111; and

(B) at a weight heavier than a weight limit established under:

(i) Subchapter E, Chapter 251;

(ii) Chapter 621 or 622; or

(iii) this chapter.

(b) Except as provided by Subsections (c) and (d), an offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 or more than \$250.

(c) An offense under Subsection (a) is a misdemeanor and,

except as provided by Subsection (d), is punishable by a fine according to the following schedules if the offense involves a vehicle:

(1) having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500
2,500-5,000	\$500 to \$1,000
more than 5,000	\$1,000 to \$2,500; or

(2) having a gross weight that is heavier than the vehicle's allowable gross weight:

Pounds Overweight	Fine Range
less than 2,500	\$100 to \$500
2,500-5,000	\$500 to \$1,000
5,001-10,000	\$1,000 to \$2,500
10,001-20,000	\$2,500 to \$5,000
20,001-40,000	\$5,000 to \$7,000
more than 40,000	\$7,000 to \$10,000

(d) On conviction of a third offense under Subsection (a), before the first anniversary of the date of a previous conviction under that subsection, the defendant shall be punished by a fine in an amount not to exceed twice the maximum amount specified by Subsection (c).

(e) A governmental entity collecting a fine under Subsection (c) shall send an amount equal to 50 percent of the fine to the comptroller.

(f) A justice or municipal court has jurisdiction of an offense under this section.

(g) A justice or judge who renders a conviction under this section shall report the conviction to the Department of Public Safety. The Department of Public Safety shall keep a record of each conviction reported under this subsection.

(h) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the Department of Public Safety.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.139(c), eff. Sept.

1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 111, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 6, eff. January 1, 2018.

SUBCHAPTER C. CONTRACTS FOR CROSSING ROADS

Sec. 623.051. CONTRACT ALLOWING OVERSIZE OR OVERWEIGHT VEHICLE TO CROSS ROAD; SURETY BOND. (a) A person may operate a vehicle that cannot comply with one or more of the restrictions of Subchapter C of Chapter [621](#) or Section [621.101](#) to cross the width of any road or highway under the jurisdiction of the Texas Department of Transportation, other than a controlled access highway as defined by Section [203.001](#), from private property to other private property if the person contracts with the commission to indemnify the Texas Department of Transportation for the cost of maintenance and repair of the part of the highway crossed by the vehicle.

(b) The commission shall adopt rules relating to the forms and procedures to be used under this section and other matters that the commission considers necessary to carry out this section.

(c) To protect the safety of the traveling public, minimize any delays and inconveniences to the operators of vehicles in regular operation, and assure payment for the added wear on the highways in proportion to the reduction of service life, the commission, in adopting rules under this section, shall consider:

(1) the safety and convenience of the general traveling public;

(2) the suitability of the roadway and subgrade on the road or highway to be crossed, variation in soil grade prevalent in the different regions of the state, and the seasonal effects on highway load capacity, the highway shoulder design, and other highway geometrics; and

(3) the state's investment in its highway system.

(d) Before exercising any right under a contract under this section, a person must execute with a corporate surety authorized

to do business in this state a surety bond in an amount determined by the commission to compensate for the cost of maintenance and repairs as provided by this section. The bond must be approved by the comptroller and the attorney general and must be conditioned on the person fulfilling the obligations of the contract.

(e) Repealed by Acts 1997, 75th Leg., ch. 165, Sec. 30.140, eff. Sept. 1, 1997.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.140, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 18.14, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 74, eff. September 1, 2011.

Sec. 623.052. CONTRACT ALLOWING OVERWEIGHT VEHICLE WITH COMMODITIES OR PRODUCTS TO CROSS HIGHWAY; SURETY BOND. (a) A person may operate a vehicle that exceeds the overall gross weight limits provided by Section 621.101 to cross the width of a highway from private property to other private property if:

(1) the vehicle is transporting grain, sand, or another commodity or product and the vehicle's overall gross weight is not heavier than 110,000 pounds; or

(2) the vehicle is an unlicensed vehicle that is transporting sand, gravel, stones, rock, caliche, or a similar commodity.

(b) Before a person may operate a vehicle under this section, the person must:

(1) contract with the Texas Department of Transportation to indemnify the Texas Department of Transportation for the cost of the maintenance and repair for damage caused by a vehicle crossing that part of the highway; and

(2) execute an adequate surety bond to compensate for the cost of maintenance and repair, approved by the comptroller and the attorney general, with a corporate surety authorized to do business in this state, conditioned on the person fulfilling each obligation of the agreement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended

by Acts 1997, 75th Leg., ch. 1423, Sec. 18.15, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 75, eff. September 1, 2011.

SUBCHAPTER D. HEAVY EQUIPMENT

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 7, eff. January 1, 2018.

Sec. 623.071. PERMIT TO MOVE CERTAIN EQUIPMENT. (a) The department may issue a permit to a person to operate over a state highway superheavy or oversize equipment that:

(1) is used to transport cylindrically shaped bales of hay or a commodity that cannot reasonably be dismantled; and

(2) has a gross weight or size that exceeds the limits allowed by law to be transported over a state highway.

(b) The department may issue a permit to a person to operate over a farm-to-market or ranch-to-market road superheavy or oversize equipment that:

(1) is used to transport oilfield drill pipe or drill collars stored in a pipe box; and

(2) has a gross weight or size that exceeds the limits allowed by law to be transported over a state highway.

(c) The department may issue an annual permit to allow the operation on a state highway of equipment that exceeds weight and size limits provided by law for the movement of:

(1) an implement of husbandry by a dealer;

(2) water well drilling machinery and equipment or harvesting equipment being moved as part of an agricultural operation; or

(3) superheavy or oversize equipment that:

(A) cannot reasonably be dismantled; and

(B) does not exceed:

- (i) 12 feet in width;
- (ii) 14 feet in height;
- (iii) 110 feet in length; or
- (iv) 120,000 pounds gross weight.

(c-1) The department may issue an annual permit that allows a person to operate over a state highway or road a vehicle or combination of vehicles that exceeds the length and height limits provided by law, except that:

(1) the maximum length allowed may not exceed 110 feet; and

(2) the maximum height allowed may not exceed 14 feet.

(d) The department may issue an annual permit to a motor carrier, as defined by Section 643.001, that allows the motor carrier to operate on a state highway two or more vehicles for the movement of superheavy or oversize equipment described by Subsection (c)(3). An application under this subsection must be on the form prescribed by the department and include a description of each vehicle to be operated by the motor carrier under the permit. A permit issued under this subsection:

(1) may not authorize the operation of more than one vehicle at the same time; and

(2) must be carried in the vehicle that is being operated to move the superheavy or oversize equipment under the permit.

(e) The department may not issue a permit under this section unless the equipment may be operated without material damage to the highway.

(f) In this section, "pipe box" means a container specifically constructed to safely transport and handle oilfield drill pipe and drill collars.

(g) A single trip permit that increases the height or width limits established in Subsection (c)(3)(B)(i) or (ii) may be issued by the department and used in conjunction with an annual permit issued under Subsection (c).

(h) If on completion of a route and engineering study the department determines that the additional length can be transported

safely, the department may issue to a person a single trip permit that allows the person to operate over a highway in this state superheavy or oversize equipment exceeding the length limitation established by Subsection (c) and that may be used in conjunction with an annual permit issued under that subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 568, Sec. 1, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 807, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 941 (H.B. 422), Sec. 3, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 18 (S.B. 562), Sec. 1, eff. May 15, 2015.

Acts 2015, 84th Leg., R.S., Ch. 18 (S.B. 562), Sec. 2, eff. May 15, 2015.

Sec. 623.0711. PERMITS AUTHORIZED BY BOARD. (a) The board by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) The board may not authorize the issuance of a permit that would allow a vehicle to:

(1) violate federal regulations on size and weight requirements; or

(2) transport equipment that could reasonably be dismantled for transportation as separate loads.

(c) The board rules must require that, before the department issues a permit under this section, the department:

(1) determine that the state will benefit from the consolidated permitting process; and

(2) complete a route and engineering study that considers:

(A) the estimated number of loads to be transported by the motor carrier under the permit;

(B) the size and weight of the commodity;

(C) available routes that can accommodate the

size and weight of the vehicle and load to be transported;

(D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;

(E) any disruption caused by the movement of the permitted vehicle; and

(F) the safety of the traveling public.

(d) The board rules may authorize the department to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(e) A permit issued under this section may provide multiple routes to minimize damage to the roadways.

(f) The board shall require the motor carrier to file a bond in an amount set by the board, payable to the Texas Department of Transportation and conditioned on the motor carrier paying to the Texas Department of Transportation any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch.

1135 (H.B. [2741](#)), Sec. 113

(g) An application for a permit under this section must be accompanied by the permit fee established by the board for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller for deposit to the credit of the state highway fund.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch.

1287 (H.B. [2202](#)), Sec. 53

(g) An application for a permit under this section must be accompanied by the permit fee established by the department, in consultation with the commission, for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller, who shall deposit:

(1) 90 percent of the fee to the credit of the state highway fund; and

(2) 10 percent of the fee to the credit of the Texas Department of Motor Vehicles fund.

(h) In addition to the fee established under Subsection (g), the board rules must authorize the department to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), of which:

(1) 90 percent shall be deposited to the credit of the state highway fund; and

(2) 10 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(i) The executive director of the department or the executive director's designee may suspend a permit issued under this section or alter a designated route because of:

- (1) a change in pavement conditions;
- (2) a change in traffic conditions;
- (3) a geometric change in roadway configuration;
- (4) construction or maintenance activity; or
- (5) emergency or incident management.

(j) A violation of a permit issued under this section is subject to the administrative sanctions of Subchapter N.

(k) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1135, Sec. 140(2), eff. September 1, 2013.

Added by Acts 2011, 82nd Leg., R.S., Ch. 941 (H.B. 422), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 112, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 113, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 140(2), eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 53, eff. September 1, 2013.

Sec. 623.072. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory shall

designate to the department the route in the municipality to be used by equipment described by Section 623.071 operating over the state highway. The department shall show the designated route on each map routing the equipment.

(b) If a municipality does not designate a route, the department shall determine the route of the equipment and the commodity on each state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of superheavy or oversize equipment on the route of a state highway designated by the municipality or department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.074. APPLICATION. (a) The department may issue a permit under this subchapter on the receipt of an application for the permit.

(b) The application must:

- (1) be in writing;
- (2) state the kind of equipment to be operated;
- (3) describe the equipment;
- (4) give the weight and dimensions of the equipment;
- (5) give the width, height, and length of the equipment;
- (6) state the kind of commodity to be transported and the weight of the total load; and
- (7) be dated and signed by the applicant.

(c) An application for a permit under Section 623.071(a) or (b) must also state:

- (1) each highway over which the equipment is to be operated, if the permit is for a single trip; or
- (2) the region or area, as required by rule, over which the equipment is to be operated, if the permit is for other than a single trip.

(d) The department may by rule authorize an applicant to submit an application electronically. An electronically submitted application shall be considered signed if a digital signature is transmitted with the application and intended by the applicant to authenticate the application. For purposes of this subsection,

"digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 515, Sec. 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 568, Sec. 2, eff. June 2, 1997; Acts 1997, 75th Leg., ch. 1171, Sec. 1.30, eff. Sept. 1, 1997.

Sec. 623.075. BOND. (a) Before the department may issue a permit under this subchapter, the applicant shall file with the department a bond in an amount set by the Texas Department of Transportation, payable to the Texas Department of Transportation, and conditioned that the applicant will pay to the Texas Department of Transportation any damage that might be sustained to the highway because of the operation of the equipment for which a permit is issued.

(b) Venue of a suit for recovery on the bond is in Travis County.

(c) This section applies to the delivery of farm equipment to a farm equipment dealer. This section does not apply to:

(1) the driving or transporting of farm equipment that is being used for an agricultural purpose and is driven or transported by or under the authority of the owner of the equipment; or

(2) a vehicle or equipment operated by a motor carrier registered under Chapter 643 or Chapter 645.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.141(a), eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 76, eff. September 1, 2011.

Sec. 623.076. PERMIT FEE. (a) An application for a permit under this subchapter must be accompanied by a permit fee of:

(1) \$60 for a single-trip permit;

(2) \$120 for a permit that is valid for a period not

exceeding 30 days;

(3) \$180 for a permit that is valid for a period of 31 days or more but not exceeding 60 days;

(4) \$240 for a permit that is valid for a period of 61 days or more but not exceeding 90 days;

(5) \$270 for a permit issued under Section 623.071(c)(1) or (2); or

(6) \$960 for a permit issued under Section 623.071(c-1).

(a-1) The following amounts collected under Subsection (a) shall be deposited to the general revenue fund, 90 percent of the remainder shall be deposited to the credit of the state highway fund, and 10 percent of the remainder shall be deposited to the credit of the Texas Department of Motor Vehicles fund:

Amount of Fee	Amount Allocated to General Revenue Fund
\$60 (single-trip permit)	\$30
\$120 (30-day permit)	\$60
\$180	\$90
\$240	\$120
\$270	\$135
\$960	\$480

(b) The board may adopt rules for the payment of a fee under Subsection (a). The rules may:

(1) authorize the use of electronic funds transfer;

(2) authorize the use of a credit card issued by:

(A) a financial institution chartered by a state or the United States; or

(B) a nationally recognized credit organization approved by the board; and

(3) require the payment of a discount or service charge for a credit card payment in addition to the fee prescribed

by Subsection (a).

(b-1) The department shall deposit a fee collected under Subsection (b)(3) to the credit of the Texas Department of Motor Vehicles fund.

(c) An application for a permit under Section [623.071\(c\)\(3\)](#) or (d) must be accompanied by the permit fee established by the board, in consultation with the commission, for the permit, not to exceed \$7,000. Of each fee collected under this subsection, the department shall send:

(1) the first \$1,000 to the comptroller for deposit to the credit of the general revenue fund; and

(2) any amount in excess of \$1,000 to the comptroller, who shall deposit:

(A) 90 percent of the excess to the credit of the state highway fund; and

(B) 10 percent of the excess to the credit of the Texas Department of Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 515, Sec. 5, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 568, Sec. 3, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 807, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. [2093](#)), Sec. 5, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 77, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](#)), Sec. 54, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 18 (S.B. [562](#)), Sec. 3, eff. May 15, 2015.

Sec. 623.077. HIGHWAY MAINTENANCE FEE. (a) An applicant for a permit under this subchapter, other than a permit under Section [623.071\(c\)\(3\)](#), must also pay a highway maintenance fee in an amount determined according to the following table:

Vehicle Weight in Pounds	Fee
80,001 to 120,000	\$150

120,001 to 160,000	\$225
160,001 to 200,000	\$300
200,001 and above	\$375

(b) The department shall send each fee collected under Subsection (a) to the comptroller, who shall deposit:

(1) 90 percent of the fee to the credit of the state highway fund; and

(2) 10 percent of the fee to the credit of the Texas Department of Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 568, Sec. 4, eff. June 2, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 18.16, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 6, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 55, eff. September 1, 2013.

Sec. 623.078. VEHICLE SUPERVISION FEE. (a) Each applicant for a permit under this subchapter for a vehicle that is heavier than 200,000 pounds must also pay a vehicle supervision fee in an amount determined by the Texas Department of Transportation and designed to recover the direct cost of providing safe transportation of the vehicle over the state highway system, including the cost of:

- (1) bridge structural analysis;
- (2) the monitoring of the trip process; and
- (3) moving traffic control devices.

(b) The department shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 18.17, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 78, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 114,

eff. September 1, 2013.

Sec. 623.079. REGISTRATION OF EQUIPMENT. A permit under this subchapter may be issued only if the equipment to be operated under the permit is registered under Chapter 502 for maximum gross weight applicable to the vehicle under Section 621.101 that is not heavier than 80,000 pounds overall gross weight.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.080. CONTENTS OF PERMIT. (a) Except as provided by Subsection (b), a permit under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the director of the department;
- (4) a statement of the kind of equipment to be transported over the highway, the weight and dimensions of the equipment, and the kind and weight of each commodity to be transported; and

(5) a statement of any condition on which the permit is issued.

(b) A permit issued under Section 623.071(a) or (b) must also state:

(1) each highway over which the equipment is to be transported, if the permit is for a single trip; or

(2) the region or area, as required by rule, over which the equipment is to be operated, if the permit is for other than a single trip.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 515, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 79, eff. September 1, 2011.

Sec. 623.081. PERMIT ISSUED BY TELEPHONE. (a) The department shall provide for issuing a permit by telephone for the operation of an overweight or oversize motor vehicle over a state highway.

(b) The department shall issue a permit under this section for a period and at the rate provided by Section 623.076(a).

(c) An applicant for a permit under this section must provide by telephone to the department:

(1) the information required for a permit issued under Section 623.071(a) or (b), other than the applicant's signature; and

(2) the account number of a credit card approved by the department.

(d) On granting a permit under this section, the agent shall:

(1) issue to the applicant an approval number; and

(2) provide to the applicant the agent's name, designation, and office address.

(e) After receiving an approval number, the applicant shall prepare, on a form provided by the department, a permit with the information provided to the agent under Subsection (c) and the information received under Subsection (d).

(f) The applicant shall keep the permit in the vehicle for which the permit was issued until the day after the date the permit expires.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 515, Sec. 7, eff. Sept. 1, 1997.

Sec. 623.082. PENALTIES. (a) A person commits an offense if the person violates this subchapter.

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable:

(1) by a fine of not more than \$200;

(2) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (1), by a fine of not more than \$500, by confinement in the county jail for not more than 60 days, or by both the fine and the confinement; or

(3) on conviction within one year after the date of a prior conviction under this section that was punishable under Subdivision (2) or this subdivision, by a fine of not more than

\$1,000, by confinement in the county jail for not more than six months, or by both the fine and the confinement.

(c) A corporation is not subject to confinement for an offense under this section, but two times the maximum fine provided for in the applicable subdivision of Subsection (b) may be imposed against the corporation.

(d) The judge shall report a conviction under this section to the Department of Public Safety. The Department of Public Safety shall keep a record of each conviction.

(e) If a corporation does not pay a fine assessed under this section, the district or county attorney for the county in which the conviction was obtained may file suit to collect the fine.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER E. MANUFACTURED AND INDUSTRIALIZED HOUSING

Sec. 623.091. DEFINITION. In this subchapter, "manufactured house" means "industrialized building" as defined by Chapter 1202, Occupations Code, "industrialized housing" as defined by Chapter 1202, Occupations Code, or "manufactured home" as defined by Chapter 1201, Occupations Code. The term includes a temporary chassis system or returnable undercarriage used for the transportation of a manufactured house and a transportable section of a manufactured house that is transported on a chassis system or returnable undercarriage and that is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for a motor vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.836, eff. Sept. 1, 2003.

Sec. 623.092. PERMIT REQUIREMENT. (a) A manufactured house in excess of legal size limits for a motor vehicle may not be moved over a highway, road, or street in this state except in accordance with a permit issued by the department.

(b) A county or municipality may not require a permit, bond, fee, or license, in addition to that required by state law, for the movement of a manufactured house.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.093. CONTENTS OF APPLICATION AND PERMIT. (a) The application for a permit and the permit must be in the form prescribed by the department. The permit must show:

(1) the length, width, and height of the manufactured house and the towing vehicle in combination;

(2) the complete identification or serial number, the Department of Housing and Urban Development label number, or the state seal number of the house;

(3) the name of the owner of the house;

(4) the location from which the house is being transported;

(5) the location to which the house is being transported; and

(6) the route for the transportation of the house.

(b) The length of the manufactured house and the towing vehicle in combination includes the length of the hitch or towing device. The height is measured from the roadbed to the highest elevation of the manufactured house. The width of the house or section includes any roof or eave extension or overhang on either side.

(c) The route must be the shortest distance from the place where the transportation begins in this state to the place where the transportation ends in this state and include divided and interstate systems, except where construction is in progress or bridge or overpass width or height creates a safety hazard. A county or municipality may designate to the department the route to be used inside the territory of the county or municipality.

(d) Repealed by Acts 2005, 79th Leg., Ch. 1284, Sec. 34(3), eff. June 18, 2005.

(e) Each quarter the department shall send a copy of each permit for the transportation of a manufactured house that begins or ends in this state, or provide the essential information in the permit, to the chief appraiser of the appraisal district in each county in which the transportation begins or ends.

(f) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1135, Sec.

140(2), eff. September 1, 2013.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.142(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 19, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 19.01(107), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 988, Sec. 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.837, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1284 (H.B. 2438), Sec. 34(3), eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 80, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 140(2), eff. September 1, 2013.

Sec. 623.094. PERMIT ISSUANCE. (a) Except as authorized by Section 623.095, the department may issue a permit only to:

(1) a person licensed by the Texas Department of Housing and Community Affairs as a manufacturer, retailer, or installer; or

(2) motor carriers registered with the department.

(b) The license or registration number of the person to whom the permit is issued shall be affixed to the rear of the manufactured house during transportation and have letters and numbers that are at least eight inches high.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.143(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 20, eff. Sept. 1, 1997.

Sec. 623.095. PERMIT TYPES. (a) The department may issue a single-trip permit for the transportation of a manufactured house to:

(1) the owner of a manufactured house if:

(A) the title to the manufactured house and the title to the towing vehicle show that the owner of the manufactured house and the owner of the towing vehicle are the same person; or

(B) a lease shows that the owner of the

manufactured house and the lessee of the towing vehicle are the same person;

(2) a person authorized to be issued permits by Section 623.094.

(b) A person or owner must have proof of the insurance coverage required by Section 623.103.

(c) In lieu of a single-trip permit, the department may issue an annual permit to any person authorized to be issued permits by Section 623.094 for the transportation of new manufactured homes from a manufacturing facility to a temporary storage location not to exceed 20 miles from the point of manufacture. A copy of the permit must be carried in the vehicle transporting a manufactured home from the manufacturer to temporary storage. The department may adopt rules concerning requirements for a permit issued under this subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.143(b), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 21, eff. Sept. 1, 1997.

Sec. 623.096. PERMIT FEE. (a) The department shall collect a fee of \$40 for each permit issued under this subchapter. Of each fee, \$19.70 shall be deposited to the credit of the general revenue fund and of the remainder:

(1) 90 percent shall be deposited to the credit of the state highway fund; and

(2) 10 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

(b) The board, in consultation with the Texas Department of Transportation, shall adopt rules concerning fees for each annual permit issued under Section 623.095(c) at a cost not to exceed \$3,000.

(c) The department may establish an escrow account within the Texas Department of Motor Vehicles fund for the payment of permit fees.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.144(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 791, Sec. 22, eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 7, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 81, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 56, eff. September 1, 2013.

Sec. 623.097. DURATION OF PERMIT. A permit is valid for a five-day period.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.098. CAUTION LIGHTS. (a) A manufactured house that is wider than 12 feet must have one rotating amber beacon of not less than eight inches mounted at the rear of the manufactured house on the roof or one flashing amber light mounted at each rear corner of the manufactured house approximately six feet above ground level. In addition, the towing vehicle must have one rotating amber beacon of not less than eight inches mounted on top of the cab.

(b) Each beacon shall be operated during a move under a permit and while on a highway, road, or street in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.145(a), eff. Sept. 1, 1997.

Sec. 623.099. ESCORT FLAG VEHICLE. (a) A manufactured house that is wider than 16 feet, but is not wider than 18 feet, must have one escort flag vehicle that must:

- (1) precede the house on a two-lane roadway; or
- (2) follow the house on a roadway of four or more lanes.

(b) A manufactured house that is wider than 18 feet must be preceded and followed by escort flag vehicles while moving over a highway, road, or street in this state.

(c) An escort flag vehicle must have:

- (1) on top of the vehicle and visible from the front

and rear:

(A) two lights flashing simultaneously; or

(B) one rotating amber beacon of not less than eight inches;

(2) four red 16-inch square flags mounted on the four corners of the vehicle so that one flag is on each corner; and

(3) signs that:

(A) are mounted on the front and rear of the vehicle; and

(B) have a yellow background and black letters at least eight inches high stating "wide load."

(d) Two transportable sections of a multisection manufactured house or two single-section manufactured houses towed in convoy are considered one house for purposes of the escort flag vehicle requirements of this section if the distance between the two does not exceed 1,000 feet.

(e) The Texas Department of Transportation shall publish and annually revise a map or list of the bridges or overpasses that because of height or width require an escort flag vehicle to stop oncoming traffic while a manufactured house crosses the bridge or overpass.

(f) An escort flag vehicle may not be required under this subchapter except as expressly provided by this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 487, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 82, eff. September 1, 2011.

Sec. 623.100. TIMES AND DAYS OF MOVEMENT. (a) Movement authorized by a permit issued under this subchapter may be made on any day, except a national holiday, but shall be made only during daylight hours.

(b) The Texas Department of Transportation may limit the hours for travel on certain routes because of heavy traffic conditions.

(c) The Texas Department of Transportation shall publish

the limitation on movements prescribed by this section and the limitations adopted under Subsection (b) and shall make the publications available to the public. Each limitation adopted by the Texas Department of Transportation must be made available to the public before it takes effect.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 83, eff. September 1, 2011.

Sec. 623.101. SPEED LIMIT. (a) A manufactured house or house trailer may not be towed in excess of the posted speed limit or 55 miles per hour, whichever is less.

(b) In this section, "house trailer" has the meaning assigned by Section 541.201.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1020, Sec. 4, eff. Sept. 1, 1997.

Sec. 623.102. EQUIPMENT. (a) The brakes on a towing vehicle and a manufactured house must be capable of stopping the vehicle and house from an initial velocity of 20 miles per hour in not more than 40 feet.

(b) Each manufactured house must be equipped with a wiring harness during transportation over a roadway to provide on the rear of the house:

- (1) right-turn and left-turn signal lights;
- (2) braking or stopping lights; and
- (3) parking lights.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.103. LIABILITY INSURANCE. A vehicle towing a manufactured house shall be covered by liability insurance of not less than \$300,000 combined single limit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.104. CIVIL AND CRIMINAL PENALTIES. (a) A person commits an offense if the person violates this subchapter. An

offense under this subsection is a Class C misdemeanor, except as provided by Subsection (d).

(b) A person convicted of an offense under Subsection (a) may also be assessed a civil penalty of not less than \$200 or more than \$500 for failure to:

(1) obtain a permit;

(2) have a required rotating amber beacon on the manufactured house or towing vehicle;

(3) provide a required escort flag vehicle; or

(4) have the required insurance.

(c) The civil penalty:

(1) may be awarded by a court having jurisdiction over a Class C misdemeanor; and

(2) shall be paid to the county in which the person was convicted.

(d) Except as provided by Subsection (e), if the offense involves the movement of a manufactured house over a highway, road, or street in this state without a permit issued by the department, the offense is a misdemeanor punishable by a fine of \$1,000.

(e) If it is shown on the trial of an offense punishable under Subsection (d) that the defendant has previously been punished under Subsection (d):

(1) one time, the offense is punishable by a fine of \$2,000; or

(2) two or more times, the offense is punishable by a fine of \$4,000.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 988, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 338, Sec. 48, eff. June 18, 2003.

Sec. 623.105. PENALTY FOR COMPENSATING CERTAIN UNLAWFUL ACTIONS. (a) A person commits an offense if the person:

(1) provides compensation to another for the movement of a manufactured home over a highway, road, or street in this state; and

(2) knows the other person is not authorized by law to move the home.

(b) An offense under this section is a misdemeanor punishable by a fine of \$1,000.

Added by Acts 2003, 78th Leg., ch. 338, Sec. 49, eff. June 18, 2003.

SUBCHAPTER F. PORTABLE BUILDING UNITS

Sec. 623.121. PERMIT TO MOVE PORTABLE BUILDING UNIT. (a) The department may issue a permit to a person to operate equipment to move over a state highway one or more portable building units that in combination with the towing vehicle are in excess of the length or width limitations provided by law but less than 80 feet in length.

(b) The length limitation in this section does not apply to a truck-tractor or truck-tractor combination towing or carrying the portable building units.

(c) In this section, "portable building unit" means the prefabricated structural and other components incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial number. The term includes a fully assembled configuration, a partially assembled configuration, or a kit or unassembled configuration, when loaded for transport.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.146(a), eff. Sept. 1, 1997.

Sec. 623.122. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory shall designate to the department the route in the municipality to be used by equipment described by Section 623.121 moving over the state highway. The department shall show the designated route on each map routing the equipment.

(b) If a municipality does not designate a route, the department shall determine the route to be used by the equipment on the state highway within the municipality.

(c) A municipality may not require a fee or license for movement of a portable building unit on the route of a state highway designated by the department or the municipality.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.123. APPLICATION. The application for a permit under Section [623.121](#) must:

- (1) be in writing;
- (2) state the make and model of the portable building unit or units;
- (3) state the length and width of the portable building unit or units;
- (4) state the make and model of the towing vehicle;
- (5) state the length and width of the towing vehicle;
- (6) state the length and width of the combined portable building unit or units and towing vehicle;
- (7) state each highway over which the portable building unit or units are to be moved;
- (8) indicate the point of origin and destination; and
- (9) be dated and signed by the applicant.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.124. FEE. (a) An application for a permit must be accompanied by a fee of \$15.

(b) The department shall send each fee collected under this section to the comptroller. Of each fee received from the department, the comptroller shall deposit:

- (1) \$7.50 to the credit of the general revenue fund; and
- (2) of the remainder:
 - (A) 90 percent to the credit of the state highway fund; and
 - (B) 10 percent to the credit of the Texas Department of Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. [2093](#)), Sec. 8, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](#)), Sec. 57, eff. September 1, 2013.

Sec. 623.126. FORM OF PERMIT. (a) A permit issued under this subchapter must:

- (1) contain the name of the applicant;
- (2) be dated and signed by the director of the department or a designated agent;
- (3) state the make and model of the portable building unit or units to be transported over the highways;
- (4) state the make and model of the towing vehicle;
- (5) state the combined length and width of the portable building unit or units and towing vehicle; and
- (6) state each highway over which the portable building unit or units are to be moved.

(b) A permit is valid if it is substantially in the form provided by this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 84, eff. September 1, 2011.

Sec. 623.127. DURATION OF PERMIT. A permit issued under this subchapter is effective for a 10-day period and valid only for a single continuous movement.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.128. TIME OF MOVEMENT. Movement authorized by a permit issued under this subchapter shall be made only during daylight hours.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.129. ESCORT FLAG VEHICLE. The escort flag vehicle requirements provided by Section 623.099 apply to the movement of portable building units and compatible cargo under this subchapter as if such building units and cargo were a manufactured house.

Added by Acts 1997, 75th Leg., ch. 487, Sec. 2, eff. Sept. 1, 1997.

Sec. 623.130. COMPATIBLE CARGO. (a) A permit issued under

this subchapter may authorize the movement of cargo, other than a portable building unit, manufactured, assembled, or distributed by a portable building unit manufacturer, as an authorized distributor if:

(1) the movement is conducted by employees of the manufacturer or by independent drivers and equipment under exclusive contract to the manufacturer during the movement;

(2) the movement is to or from a location where the manufacturer's building units may be legally stored, sold, or delivered; and

(3) the cargo is compatible with the movement of portable building units in that:

(A) the cargo does not cause the load to exceed applicable height or weight limits; and

(B) the cargo is loaded to properly distribute weight, width, and height to maximize safety and economy without exceeding size or weight limits authorized for movement of portable building units.

(b) If cargo moved under this section exceeds any width limit that would apply to the cargo if it were moved in a manner not governed by this section, the department shall collect an amount equal to any fee that would apply to movement of the cargo if the cargo were moved in a manner not governed by this section in addition to the fee required under this subchapter.

Added by Acts 1997, 75th Leg., ch. 487, Sec. 2, eff. Sept. 1, 1997.

SUBCHAPTER G. OIL WELL SERVICING AND DRILLING MACHINERY

Sec. 623.141. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of oversize or overweight oil well servicing or oil well drilling machinery and equipment.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.142. PERMIT TO MOVE OIL WELL SERVICING OR DRILLING MACHINERY. (a) The department may, on application, issue a permit for the movement over a road or highway under the jurisdiction of

the Texas Department of Transportation of a vehicle that:

(1) is a piece of fixed-load mobile machinery or equipment used to service, clean out, or drill an oil well; and

(2) cannot comply with the restrictions set out in Subchapter C of Chapter 621 and Section 621.101.

(b) The department may not issue a permit under this section unless the vehicle may be moved without material damage to the highway or serious inconvenience to highway traffic.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 85, eff. September 1, 2011.

Sec. 623.143. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory may designate to the department the route in the municipality to be used by a vehicle described by Section 623.142 operating over the state highway. When the route is designated, the department shall show the route on each map routing the vehicles.

(b) If a municipality does not designate a route, the department shall determine the route to be used by a vehicle on a state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of vehicles on the route of a state highway designated by the municipality or department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may not operate a vehicle permitted under this subchapter on a public highway unless the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has distinguishing license plates as provided by Section 502.146 if applicable to the vehicle.

(b) The department may not issue distinguishing license plates to a vehicle described by Section 502.146(b)(3) unless the applicant complies with the requirements of that subsection.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 280 (H.B. 505), Sec. 5, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 9, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 20.026, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 115, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 968 (S.B. 2075), Sec. 15, eff. September 1, 2017.

Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The board, in consultation with the commission, by rule shall provide for the issuance of permits under this subchapter. The rules must include each matter the board and commission determine necessary to implement this subchapter and:

- (1) requirements for forms and procedures used in applying for a permit;
- (2) conditions with regard to route and time of movement;
- (3) requirements for flags, flaggers, and warning devices;
- (4) the fee for a permit; and
- (5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the board and commission shall consider and be guided by:

- (1) the state's investment in its highway system;
- (2) the safety and convenience of the general traveling public;
- (3) the registration or license fee paid on the vehicle for which the permit is requested;
- (4) the fees paid by vehicles operating within legal limits;
- (5) the suitability of roadways and subgrades on the

various classes of highways of the system;

(6) the variation in soil grade prevalent in the different regions of the state;

(7) the seasonal effects on highway load capacity;

(8) the highway shoulder design and other highway geometrics;

(9) the load capacity of the highway bridges;

(10) administrative costs;

(11) added wear on highways; and

(12) compensation for inconvenience and necessary delays to highway users.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 86, eff. September 1, 2011.

Sec. 623.146. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the board or with a condition placed on the permit, and immediately on the violation, further movement over the highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 86, eff. September 1, 2011.

Sec. 623.147. DEPOSIT OF FEE IN STATE HIGHWAY FUND AND IN TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. A fee collected under this subchapter shall be deposited as follows:

(1) 90 percent to the credit of the state highway fund;
and

(2) 10 percent to the credit of the Texas Department of Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 58, eff. September 1, 2013.

Sec. 623.148. LIABILITY FOR DAMAGE TO HIGHWAYS. (a) By issuing a permit under this subchapter, the department does not guarantee that a highway can safely accommodate the movement.

(b) The owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.149. DETERMINATION WHETHER VEHICLE SUBJECT TO REGISTRATION OR ELIGIBLE FOR DISTINGUISHING LICENSE PLATE.

(a) The department may establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146.

(b) Notwithstanding Subsection (a), a vehicle authorized by the department before August 22, 1963, to operate without registration under Chapter 502 may not be required to register under that chapter.

(c) In this section, "oil well servicing, oil well clean out, or oil well drilling machinery or equipment" means a vehicle constructed as a machine used solely for servicing, cleaning out, or drilling an oil well and consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for one or more of those purposes.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 280 (H.B. 505), Sec. 6, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 10, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 20.027, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 116, eff. September 1, 2013.

Sec. 623.150. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person issued a registration certificate under Chapter 643, even if not all the operations of the person are performed under that certificate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.147, eff. Sept. 1, 1997.

SUBCHAPTER H. VEHICLES TRANSPORTING SOLID WASTE

Sec. 623.161. DEFINITION. In this subchapter, "solid waste" has the meaning assigned by Chapter 361, Health and Safety Code, except that it does not include hazardous waste.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.162. AXLE WEIGHT RESTRICTIONS. A single vehicle used exclusively to transport solid waste may be operated on a public highway of this state only if the tandem axle weight is not heavier than 44,000 pounds, the single axle weight is not heavier than 21,000 pounds, and the gross weight is not heavier than 64,000 pounds.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 941, Sec. 42, eff. Sept. 1, 2001.

Sec. 623.163. SURETY BOND. (a) The owner of a vehicle used exclusively to transport solid waste with a tandem axle load heavier than 34,000 pounds shall before operating the vehicle on a public highway of this state file with the department a surety bond subject to the approval of the Texas Department of Transportation in the principal amount set by the Texas Department of Transportation not to exceed \$15,000 for each vehicle.

(b) The bond must be conditioned that the owner of the vehicle will pay to the Texas Department of Transportation and to any municipality in which the vehicle is operated on a municipal street, within the limit of the bond, any damages to a highway or

municipal street caused by the operation of the vehicle.

(c) This section does not apply to a vehicle owned by a municipality.

(d) A copy of the bond shall be:

(1) carried on the vehicle when the vehicle is on a public highway; and

(2) presented to an officer authorized to enforce this chapter on request of the officer.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 942, Sec. 8, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 87, eff. September 1, 2011.

Sec. 623.164. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than that authorized by 23 U.S.C. Section 127, as amended.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than that authorized on January 1, 1983, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.165. PENALTY. A person commits an offense if the person fails in violation of Section 623.163(d) to carry or present the copy of the bond filed with the department. An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 942, Sec. 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 16.004, eff. Sept. 1, 2003.

Sec. 623.166. DEFENSE TO PROSECUTION: BOND IN EFFECT. (a) It is a defense to prosecution under Section 623.165 that the person

charged produces a surety bond that complies with Section [623.163](#) that was valid at the time the offense is alleged to have occurred.

(b) If the court verifies the bond produced by the person, the court shall dismiss the charge.

Added by Acts 2001, 77th Leg., ch. 942, Sec. 10, eff. Sept. 1, 2001.

SUBCHAPTER I. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES; ANNUAL PERMIT

Sec. 623.181. ANNUAL PERMIT. (a) The department may issue an annual permit for the movement over a highway or road of this state of an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight or width limitations prescribed by statute.

(b) The department may issue a permit on receipt of an application for the permit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.182. PERMIT FEE. (a) The fee for a permit under this subchapter is \$100.

(b) The department shall send each fee collected under this subchapter to the comptroller. Of each fee received from the department, the comptroller shall deposit \$50 to the credit of the general revenue fund and of the remainder the department shall deposit:

(1) 90 percent to the credit of the state highway fund; and

(2) 10 percent to the credit of the Texas Department of Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. [2093](#)), Sec. 11, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. [2202](#)), Sec. 59, eff. September 1, 2013.

SUBCHAPTER J. UNLADEN LIFT EQUIPMENT MOTOR VEHICLES; TRIP PERMITS

Sec. 623.191. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.192. PERMIT TO MOVE UNLADEN LIFT EQUIPMENT MOTOR VEHICLES. (a) The department may, on application, issue a permit to a person to move over a road or highway under the jurisdiction of the Texas Department of Transportation an unladen lift equipment motor vehicle that cannot comply with the restrictions set out in Subchapter C of Chapter 621 and Section 621.101.

(b) The department may not issue a permit under this section unless the vehicle may be moved without material damage to the highway or serious inconvenience to highway traffic.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 88, eff. September 1, 2011.

Sec. 623.193. DESIGNATED ROUTE IN MUNICIPALITY. (a) A municipality having a state highway in its territory may designate to the department the route in the municipality to be used by a vehicle described by Section 623.192 operating over the state highway. The department shall show the designated route on each map routing the vehicle.

(b) If a municipality does not designate a route, the department shall determine the route of the vehicle on each state highway in the municipality.

(c) A municipality may not require a fee, permit, or license for movement of the vehicles on the route of a state highway designated by the municipality or department.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the vehicle to be moved is

registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.146 if applicable to the vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 280 (H.B. 505), Sec. 7, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 12, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 20.028, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 117, eff. September 1, 2013.

Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The board, in consultation with the commission, by rule shall provide for the issuance of a permit under this subchapter. The rules must include each matter the board and the commission determine necessary to implement this subchapter and:

- (1) requirements for forms and procedures used in applying for a permit;
- (2) conditions with regard to route and time of movement;
- (3) requirements for flags, flaggers, and warning devices;
- (4) the fee for a permit; and
- (5) standards to determine whether a permit is to be issued for one trip only or for a period established by the commission.

(b) In adopting a rule or establishing a fee, the board and the commission shall consider and be guided by:

- (1) the state's investment in its highway system;
- (2) the safety and convenience of the general traveling public;
- (3) the registration or license fee paid on the vehicle for which the permit is requested;

(4) the fees paid by vehicles operating within legal limits;

(5) the suitability of roadways and subgrades on the various classes of highways of the system;

(6) the variation in soil grade prevalent in the different regions of the state;

(7) the seasonal effects on highway load capacity;

(8) the highway shoulder design and other highway geometrics;

(9) the load capacity of highway bridges;

(10) administrative costs;

(11) added wear on highways; and

(12) compensation for inconvenience and necessary delays to highway users.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 89, eff. September 1, 2011.

Sec. 623.196. VIOLATION OF RULE. A permit under this subchapter is void on the failure of an owner or the owner's representative to comply with a rule of the board or with a condition placed on the permit, and immediately on the violation, further movement over a highway of an oversize or overweight vehicle violates the law regulating the size or weight of a vehicle on a public highway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 89, eff. September 1, 2011.

Sec. 623.197. DEPOSIT OF FEE IN STATE HIGHWAY FUND AND IN TEXAS DEPARTMENT OF MOTOR VEHICLES FUND. A fee collected under this subchapter shall be deposited as follows:

(1) 90 percent to the credit of the state highway fund;
and

(2) 10 percent to the credit of the Texas Department of

Motor Vehicles fund.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 60, eff. September 1, 2013.

Sec. 623.198. LIABILITY FOR DAMAGE TO HIGHWAYS. (a) By issuing a permit under this subchapter, the department does not guarantee that a highway can safely accommodate the movement.

(b) The owner of a vehicle involved in the movement of an oversize or overweight vehicle, even if a permit has been issued for the movement, is strictly liable for any damage the movement causes the highway system or any of its structures or appurtenances.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 623.199. DETERMINATION WHETHER VEHICLE SUBJECT TO REGISTRATION OR ELIGIBLE FOR DISTINGUISHING LICENSE PLATE.

(a) The department may establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146.

(b) Notwithstanding Subsection (a), a vehicle authorized by the department before June 11, 1985, to operate without registration under Chapter 502 may not be required to register under that chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 280 (H.B. 505), Sec. 8, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 13, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 20.029, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 118, eff. September 1, 2013.

Sec. 623.200. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a person issued a registration certificate under Chapter 643, even if not all the operations of the person are performed under that certificate.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.147, eff. Sept. 1, 1997.

SUBCHAPTER K. PORT AUTHORITY PERMITS

Sec. 623.210. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties:

(1) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and:

(A) adjacent to at least two counties with a population of 550,000 or more; or

(B) bordering the United Mexican States; or

(2) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf with a population of not more than 200,000 and adjacent to a county described by Subdivision (1)(A).

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 967 (H.B. 1305), Sec. 1, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 177 (H.B. 4156), Sec. 1, eff. September 1, 2017.

Sec. 623.211. DEFINITION. In this subchapter, "port authority" means a port authority or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 967 (H.B. 1305), Sec. 2, eff. June 17, 2011.

Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission may authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties:

(1) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and:

(A) adjacent to at least two counties with a population of 550,000 or more; or

(B) bordering the United Mexican States; or

(2) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf with a population of not more than 200,000 and adjacent to a county described by Subdivision (1)(A).

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 967 (H.B. 1305), Sec. 3, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 90, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 177 (H.B. 4156), Sec. 2, eff. September 1, 2017.

Sec. 623.214. PERMIT FEES. (a) A port authority may collect a fee for permits issued under this subchapter. Such fees shall not exceed \$120 per trip.

(b) Fees collected under Subsection (a), less administrative costs, shall be used solely to provide funds for the maintenance and improvement of state highways subject to this subchapter. The administrative costs, which may not exceed 15 percent of the fees collected, may be retained by the port authority. The fees, less administrative costs, shall be deposited in the State Highway Fund.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 624, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 61 (S.B. 1373), Sec. 1.01,

eff. May 19, 2009.

Acts 2017, 85th Leg., R.S., Ch. 177 (H.B. [4156](#)), Sec. 3, eff. September 1, 2017.

Sec. 623.215. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the director of the port authority;
- (4) a statement of the kind of cargo being transported under the permit, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported provided the gross weight of such equipment and commodities shall not exceed 125,000 pounds;
- (5) a statement of any condition on which the permit is issued;
- (6) a statement of the route designated under Section [623.219](#);
- (7) the name of the driver of the vehicle in which the cargo is to be transported; and
- (8) the location where the cargo was loaded.

(b) A port authority shall report to the Texas Department of Transportation all permits issued under this subchapter.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 624, Sec. 2, eff. June 18, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 61 (S.B. [1373](#)), Sec. 1.02, eff. May 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 91, eff. September 1, 2011.

Sec. 623.216. TIME OF MOVEMENT. A permit issued under this subchapter shall specify the time in which movement authorized by the permit is allowed.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.217. SPEED LIMIT. Movement authorized by a permit issued under this subchapter shall not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.218. ENFORCEMENT. The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Sec. 623.219. ROUTE DESIGNATION. (a) For a permit issued by a port authority located in a county that borders the United Mexican States, the commission shall, with the consent of the port authority, designate the most direct route from:

(1) the Gateway International Bridge or the Veterans International Bridge at Los Tomates to the entrance of the Port of Brownsville using State Highways 48 and 4 or United States Highways 77 and 83 or using United States Highway 77 and United States Highway 83, East Loop Corridor, and State Highway 4; and

(2) the Free Trade International Bridge to:

(A) the entrance of the Port of Brownsville using Farm-to-Market Road 509, United States Highways 77 and 83, Farm-to-Market Road 511, State Highway 550, and East Loop (State Highway 32);

(B) the eastern entrance of the Port of Harlingen using Farm-to-Market Road 509, United States Highway 77 Business, and Farm-to-Market Road 1846;

(C) the western entrance of the Port of Harlingen using Farm-to-Market Roads 509 and 106;

(D) the southern entrance of the Harlingen Industrial Park using Farm-to-Market Road 509; and

(E) the southern entrance of the Harlingen Aerotropolis at Valley International Airport using Farm-to-Market Road 509.

(b) For a permit issued by a port authority located in a county that is adjacent to at least two counties with a population

of 550,000 or more, the commission shall, with the consent of the port authority, designate the most direct route from:

(1) the intersection of Farm-to-Market Road 523 and Moller Road to the entrance of Port Freeport using Farm-to-Market Roads 523 and 1495;

(2) the intersection of State Highway 288 and Chlorine Road to the entrance of Port Freeport using State Highway 288;

(3) the intersection of State Highway 288 and Chlorine Road to the entrance of Port Freeport using State Highways 288 and 332 and Farm-to-Market Roads 523 and 1495;

(4) the intersection of North Velasco Boulevard and South Avenue J in the city of Freeport to the entrance of Port Freeport using North Velasco Boulevard and Farm-to-Market Road 1495;

(5) 21441 Loop 419 in the city of Sweeny to the entrance of Port Freeport using Loop 419, State Highways 35 and 36, and Farm-to-Market Road 1495; and

(6) 5261 Seventh Street in Bay City to the entrance of Port Freeport using State Highway 35, Loop 419, State Highway 36, and Farm-to-Market Road 1495.

(c) If the commission designates a route or changes the route designated under this section, the commission shall notify the port authority of the route not later than the 60th day before the date that the designation takes effect.

Added by Acts 1997, 75th Leg., ch. 1194, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 624, Sec. 3, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 976, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 411 (S.B. [1641](#)), Sec. 1, eff. June 17, 2005.

Acts 2009, 81st Leg., R.S., Ch. 61 (S.B. [1373](#)), Sec. 1.03, eff. May 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 967 (H.B. [1305](#)), Sec. 4, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 705 (H.B. [3125](#)), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 350 (H.B. [1321](#)), Sec. 1, eff.

September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 353 (H.B. [1741](#)), Sec. 1, eff.

September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 177 (H.B. [4156](#)), Sec. 4, eff.

September 1, 2017.

SUBCHAPTER L. VICTORIA COUNTY NAVIGATION DISTRICT PERMITS

Sec. 623.230. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by the Victoria County Navigation District for the movement of oversize or overweight vehicles carrying cargo in Victoria County.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 613 (S.B. [524](#)), Sec. 1, eff.

September 1, 2011.

Sec. 623.231. DEFINITION. In this subchapter, "district" means the Victoria County Navigation District.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.232. ISSUANCE OF PERMITS. The Texas Transportation Commission may authorize the district to issue permits for the movement of oversize or overweight vehicles carrying cargo only on the following highways and roads located in Victoria County:

(1) Farm-to-Market Road 1432 between the Port of Victoria and State Highway 185;

(2) State Highway 185 between U.S. Highway 59 and McCoy Road;

(3) U.S. Highway 59, including a frontage road of U.S. Highway 59, between State Highway 185 and Loop 463; and

(4) Loop 463 between U.S. Highway 59 and North Lone Tree Road.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 613 (S.B. [524](#)), Sec. 2, eff.

September 1, 2011.

Sec. 623.233. MAINTENANCE CONTRACTS. The district shall make payments to the Texas Department of Transportation to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 92, eff. September 1, 2011.

Sec. 623.234. PERMIT FEES. (a) The district may collect a fee for permits issued under this subchapter. The fees shall not exceed \$100 per trip.

(b) Fees collected under Subsection (a) shall be used solely to provide funds for the payments provided for under Section 623.233 less administrative costs, which shall not exceed 15 percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 613 (S.B. 524), Sec. 3, eff. September 1, 2011.

Sec. 623.235. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the director of the district or the director's designee;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported, provided that the gross weight of such equipment and commodities shall not exceed 140,000 pounds;

(5) a statement of any condition on which the permit is issued;

(6) a statement that the cargo shall only be transported on a road designated under Section [623.232](#);

(7) the name of the driver of the vehicle in which the cargo is to be transported; and

(8) the location where the cargo was loaded.

(b) The district shall report to the Texas Department of Transportation all permits issued under this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 613 (S.B. [524](#)), Sec. 4, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. [1420](#)), Sec. 93, eff. September 1, 2011.

Sec. 623.236. TIME OF MOVEMENT. A permit issued under this subchapter shall specify the time in which movement authorized by the permit is allowed.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.237. SPEED LIMIT. Movement authorized by a permit issued under this subchapter shall not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.238. ENFORCEMENT. The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

Sec. 623.239. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2003, 78th Leg., ch. 786, Sec. 1, eff. Sept. 1, 2003.

SUBCHAPTER M. CHAMBERS COUNTY PERMITS

Sec. 623.250. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by Chambers County for the movement of oversize or overweight vehicles carrying cargo on certain state highways located in Chambers County. Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.251. DEFINITION. In this subchapter, "county" means Chambers County. Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.252. ISSUANCE OF PERMITS. (a) The Texas Transportation Commission may authorize the county to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in Chambers County.

(b) A permit issued under this subchapter may authorize:

(1) the transport of cargo only on the following roads in Chambers County:

(A) Farm-to-Market Road 1405 between its intersection with Farm-to-Market Road 2354 and its intersection with Farm-to-Market Road 565;

(B) State Highway 99, including the frontage road of State Highway 99 but excluding any portion of the highway for which payment of a toll is required, between its crossing with Cedar Bayou and its intersection with Interstate Highway 10;

(C) Farm-to-Market Road 565 from its intersection with Farm-to-Market Road 1405 to its intersection with State Highway 99; and

(D) Farm-to-Market Road 2354 from its intersection with Farm-to-Market Road 1405 northwest approximately 300 linear feet to the termination of the state-maintained portion of the road; and

(2) the movement of equipment and commodities weighing 100,000 pounds or less.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1053 (H.B. 4594), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 137 (S.B. 274), Sec. 1, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 423 (S.B. 1291), Sec. 1, eff. September 1, 2017.

Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make payments to the Texas Department of Transportation to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 94, eff. September 1, 2011.

Sec. 623.254. PERMIT FEES. (a) The county may collect a fee for permits issued under this subchapter. The fee may not exceed \$80 per trip.

(b) Fees collected under Subsection (a) may be used only to provide funds for the payments under Section 623.253 and for the county's administrative costs, which may not exceed 15 percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.255. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the county;
- (4) a statement of the kind of cargo being

transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;

(5) a statement of any condition on which the permit is issued;

(6) a statement that the cargo may be transported in Chambers County only over the roads described by Section 623.252(b)(1); and

(7) the location where the cargo was loaded.

(b) The county shall report to the department all permits issued under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1053 (H.B. 4594), Sec. 2, eff. June 19, 2009.

Sec. 623.256. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.257. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.258. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff. June 17, 2005.

Sec. 623.259. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2005, 79th Leg., Ch. 538 (H.B. 1044), Sec. 1, eff.

June 17, 2005.

SUBCHAPTER N. ADMINISTRATIVE SANCTIONS

Sec. 623.271. ADMINISTRATIVE ENFORCEMENT. (a) The department may investigate and, except as provided by Subsection (f), may impose an administrative penalty or revoke an oversize or overweight permit issued under this chapter if the person or the holder of the permit, as applicable:

(1) provides false information on the permit application or another form required by the department for the issuance of an oversize or overweight permit;

(2) violates this chapter, Chapter 621, or Chapter 622;

(3) violates a rule or order adopted under this chapter, Chapter 621, or Chapter 622; or

(4) fails to obtain an oversize or overweight permit if a permit is required.

(b) The notice and hearing requirements of Section 643.2525 apply to the imposition of an administrative penalty or the revocation of a permit under this section as if the action were being taken under that section.

(c) It is an affirmative defense to administrative enforcement under this section that the person or holder of the permit relied on the shipper's certificate of weight.

(d) The amount of an administrative penalty imposed under this section is calculated in the same manner as the amount of an administrative penalty imposed under Section 643.251.

(e) A person who has been ordered to pay an administrative penalty under this section and the vehicle that is the subject of the enforcement order may not be issued a permit under this chapter until the amount of the penalty has been paid to the department.

(f) This subsection applies only to a vehicle or combination that is used to transport agricultural products or timber products from the place of production to the place of first marketing or first processing. In connection with a violation of a vehicle or combination weight restriction or limitation in this chapter,

Chapter 621, or Chapter 622, the department may not impose an administrative penalty against a person or the holder of an overweight permit if the weight of the vehicle or combination involved in the violation did not exceed the allowable weight by more than three percent.

Added by Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 15, eff. September 1, 2007.

Sec. 623.272. ADMINISTRATIVE PENALTY FOR FALSE INFORMATION ON CERTIFICATE. (a) The department may investigate and impose an administrative penalty on a shipper who provides false information on a shipper's certificate of weight that the shipper delivers to a person transporting a shipment.

(b) The notice and hearing requirements of Section 643.2525 apply to the imposition of an administrative penalty under this section as if the action were being taken under that section.

(c) The amount of an administrative penalty imposed under this section is calculated in the same manner as the amount of an administrative penalty imposed under Section 643.251.

Added by Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 15, eff. September 1, 2007.

Sec. 623.273. INJUNCTIVE RELIEF. (a) The attorney general, at the request of the department, may petition a district court for appropriate injunctive relief to prevent or abate a violation of this chapter or a rule or order adopted under this chapter.

(b) Venue in a suit for injunctive relief under this section is in Travis County.

(c) On application for injunctive relief and a finding that a person is violating or has violated this chapter or a rule or order adopted under this chapter, the court shall grant the appropriate relief without bond.

(d) The attorney general and the department may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(e) Money collected by the department under Subsection (d)

shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

Added by Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 15, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1287 (H.B. 2202), Sec. 61, eff. September 1, 2013.

Sec. 623.274. SHIPPER'S CERTIFICATE OF WEIGHT. (a) The department shall prescribe a form to be used for a shipper's certificate of weight. The form must provide space for the maximum weight of the shipment being transported.

(b) For a shipper's certificate of weight to be valid, the shipper must:

(1) certify that the information contained on the form is accurate; and

(2) deliver the certificate to the motor carrier or other person transporting the shipment before the motor carrier or other person applies for an overweight permit under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1396 (H.B. 2093), Sec. 15, eff. September 1, 2007.

SUBCHAPTER O. PORT OF CORPUS CHRISTI AUTHORITY ROADWAY PERMITS

Sec. 623.280. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by the Port of Corpus Christi Authority for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the Port of Corpus Christi Authority that is located in San Patricio County or Nueces County.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.281. DEFINITION. In this subchapter, "port authority" means the Port of Corpus Christi Authority.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.282. ISSUANCE OF PERMITS. The port authority may issue permits for the movement of oversize or overweight vehicles carrying cargo on a roadway owned and maintained by the port authority that is located in San Patricio County or Nueces County. A permit issued under this subchapter is in addition to other permits required by law.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.283. PERMIT FEES. (a) The port authority may collect a fee for permits issued under this subchapter. The fees may not exceed \$80 per trip.

(b) Fees collected under Subsection (a) shall be used solely for the construction and maintenance of port authority roadways.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.284. PERMIT REQUIREMENTS. A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the manager of transportation of the port authority;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;
- (5) a statement of any condition on which the permit is issued;
- (6) a statement that the cargo may only be transported on roadways that are owned and maintained by the port authority and located in San Patricio County or Nueces County; and
- (7) the location where the cargo was loaded.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.285. TIME OF MOVEMENT. A permit issued under this

subchapter must specify the time in which movement authorized by the permit is allowed.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.286. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.287. ENFORCEMENT. The Department of Public Safety shall have authority to enforce the provisions of this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.288. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

SUBCHAPTER P. PORT OF CORPUS CHRISTI AUTHORITY PERMITS

Sec. 623.301. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by the Port of Corpus Christi Authority for the movement of oversize or overweight vehicles carrying cargo on certain roads located in San Patricio and Nueces Counties.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 205 (S.B. 1059), Sec. 2, eff. May 28, 2015.

Sec. 623.302. DEFINITION. In this subchapter, "port authority" means the Port of Corpus Christi Authority.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 205 (S.B. 1059), Sec. 3, eff. May 28, 2015.

Sec. 623.303. ISSUANCE OF PERMITS. (a) The Texas Transportation Commission may authorize the port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in San Patricio and Nueces Counties on:

(1) the following roads:

(A) U.S. Highway 181 between its intersection with Burleson Street in the city of Corpus Christi and its intersection with County Road 3567 (Midway Road) in San Patricio County;

(B) State Highway 35 between its intersection with Burleson Street in the city of Corpus Christi and its intersection with Farm-to-Market Road 3512;

(C) State Highway 361 between its intersection with State Highway 35 and its intersection with Farm-to-Market Road 1069 (Main Street) in the city of Ingleside; and

(D) proposed State Highway 200 between its intersection with State Highway 361 and its intersection with Farm-to-Market Road 1069 (Main Street) in the city of Ingleside, if proposed State Highway 200 is constructed; or

(2) another route designated by the commission in consultation with the authority.

(b) The port authority may issue a permit under this subchapter only if the cargo being transported weighs 125,000 pounds or less.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 205 (S.B. 1059), Sec. 4, eff. May 28, 2015.

Sec. 623.304. MAINTENANCE CONTRACTS. The port authority

shall make payments to the Texas Department of Transportation to provide funds for the maintenance of state highways subject to this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1345 (S.B. 1420), Sec. 95, eff. September 1, 2011.

Sec. 623.305. PERMIT FEES. (a) The port authority may collect a fee for permits issued under this subchapter. The fees may not exceed \$80 per trip.

(b) Fees collected under Subsection (a) shall be used solely to provide funds for the payments provided for under Section 623.304 and for the port authority's administrative costs, which may not exceed 15 percent of the fees collected. The fees shall be deposited in the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section 403.095, Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.306. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the manager of transportation of the port authority;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;
- (5) a statement of any condition on which the permit is issued;
- (6) a statement that the cargo may be transported in San Patricio and Nueces Counties only over the roads described by or designated under Section 623.303; and
- (7) the location where the cargo was loaded.

(b) The port authority shall report to the department all permits issued under this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 205 (S.B. 1059), Sec. 5, eff. May 28, 2015.

Sec. 623.307. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time in which movement authorized by the permit is allowed.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.308. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. Violation of this provision shall constitute a moving violation.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.309. ENFORCEMENT. The Department of Public Safety may enforce the provisions of this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

Sec. 623.310. RULES. The Texas Transportation Commission may adopt rules necessary to implement this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 812 (S.B. 1571), Sec. 1, eff. September 1, 2009.

SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

Sec. 623.321. PERMIT. (a) The department may issue a permit under this subchapter, as an alternative to a permit issued under Section 623.011, authorizing a person to operate a vehicle or combination of vehicles that is being used to transport unrefined

timber, wood chips, or woody biomass in a county identified as a timber producing county in the most recent edition of the Texas A&M Forest Service's Harvest Trends Report as of May 15, 2013, at the weight limits prescribed by Subsection (b).

(b) A person may operate over a road or highway a vehicle or combination of vehicles issued a permit under this section at a gross weight that is not heavier than 84,000 pounds, if the gross load carried on any tandem axle of the vehicle or combination of vehicles does not exceed 44,000 pounds.

(c) Section [621.508](#) does not apply to a vehicle or combination of vehicles operated under this section.

(d) The department shall annually update the number of timber producing counties described by Subsection (a) based on the most recent edition of the Texas A&M Forest Service's Harvest Trends Report.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 119, eff. September 1, 2013.

Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a) To qualify for a permit under this subchapter for a vehicle or combination of vehicles, a person must:

(1) pay a permit fee of \$900;

(2) designate in the permit application the timber producing counties described by Section [623.321\(a\)](#) in which the vehicle or combination of vehicles will be operated; and

(3) satisfy the security requirement of Section [623.012](#).

(b) A permit issued under this subchapter:

(1) is valid for one year; and

(2) must be carried in the vehicle for which it is issued.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 119, eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1184 (S.B. [1171](#)), Sec. 4, eff. June 19, 2015.

Sec. 623.323. NOTIFICATION. (a) For purposes of this section, "financially responsible party" means the owner of the vehicle or combination of vehicles, the party operating the vehicle or combination of vehicles, or a person that hires, leases, rents, or subcontracts the vehicle or combination of vehicles for use on a road maintained by a county or a state highway.

(b) Before a vehicle or combination of vehicles for which a permit is issued under this subchapter may be operated on a road maintained by a county or a state highway, the financially responsible party shall execute a notification document and agree to reimburse the county or the state, as applicable, for damage to a road or highway sustained as a consequence of the transportation authorized by the permit. At a minimum, the notification document must include:

(1) the name and address of the financially responsible party;

(2) a description of each permit issued for the vehicle or combination of vehicles;

(3) a description of the method of compliance by the financially responsible party with Sections [601.051](#) and [623.012](#);

(4) the address or location of the geographic area in which the financially responsible party wishes to operate a vehicle or combination of vehicles and a designation of the specific route of travel anticipated by the financially responsible party, including the name or number of each road maintained by a county or state highway;

(5) a calendar or schedule of duration that includes the days and hours of operation during which the financially responsible party reasonably anticipates using the county road or state highway identified in Subdivision (4); and

(6) a list of each vehicle or combination of vehicles by license plate number or other registration information, and a description of the means by which financial responsibility is established for each vehicle or combination of vehicles if each vehicle or combination of vehicles is not covered by a single insurance policy, surety bond, deposit, or other means of financial assurance.

(c) A financially responsible party shall electronically file the notification document described by Subsection (b) with the department under rules adopted by the department not later than the second business day before the first business day listed by the financially responsible party under Subsection (b)(5). The department shall immediately send an electronic copy of the notification document to each county identified in the notification document and the Texas Department of Transportation and an electronic receipt for the notification document to the financially responsible party. Not later than the first business day listed by the financially responsible party under Subsection (b)(5), a county or the Texas Department of Transportation may inspect a road or highway identified in the notification document. If an inspection is conducted under this subsection, a county or the Texas Department of Transportation shall:

(1) document the condition of the roads or highways and take photographs of the roads or highways as necessary to establish a baseline for any subsequent assessment of damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the documentation to the financially responsible party.

(d) If an inspection has been conducted under Subsection (c), a county or the Texas Department of Transportation, as applicable, shall, not later than the fifth business day after the expiration of the calendar or schedule of duration described by Subsection (b)(5):

(1) conduct an inspection described by Subsection (c)(1) to determine any damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the inspection documentation to the financially responsible party.

(e) The state or a county required to be notified under this section may assert a claim against any security posted under Section 623.012 or insurance filed under Section 643.103 for damage to a road or highway sustained as a consequence of the transportation authorized by the permit.

(f) This section does not apply to a vehicle or combination of vehicles that are being used to transport unrefined timber, wood chips, or woody biomass from:

- (1) a storage yard to the place of first processing; or
- (2) outside this state to a place of first processing in this state.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 119, eff. September 1, 2013.

Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee collected under Section 623.322 for a permit:

- (1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and
- (2) the other 50 percent shall be divided equally among all counties designated in the permit application under Section 623.322(a)(2).

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

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 119, eff. September 1, 2013.

Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on September 1, 2013, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 119, eff. September 1, 2013.

SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL
EMERGENCY

Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a) Notwithstanding any other law, the department may issue a special permit during a major disaster as declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an overweight or oversize vehicle or load that:

- (1) can easily be dismantled or divided; and
- (2) will be used only to deliver relief supplies.

(b) A permit issued under this section expires not later than the 120th day after the date of the major disaster declaration. Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 120, eff. September 1, 2013.

Sec. 623.342. RULES. The board may adopt rules necessary to implement this subchapter, including rules that establish the requirements for obtaining a permit.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 120, eff. September 1, 2013.

Sec. 623.343. PERMIT CONDITIONS. The department may impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for escort vehicles.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. 2741), Sec. 120, eff. September 1, 2013.

SUBCHAPTER S. REGIONAL MOBILITY AUTHORITY PERMITS

Sec. 623.361. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by a regional mobility authority for the movement of oversize or overweight vehicles carrying cargo on certain roads located in Hidalgo County.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.320 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Sec. 623.362. DEFINITION. In this subchapter, "authority" means the regional mobility authority authorized to issue permits under Section 623.363.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.321 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(32), eff. September 1, 2015.

Sec. 623.363. ISSUANCE OF PERMITS. (a) The commission may authorize a regional mobility authority to issue permits for the movement of oversize or overweight vehicles carrying cargo in Hidalgo County on:

(1) the following roads:

(A) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with State Highway 336;

(B) State Highway 336 between its intersection with U.S. Highway 281 and its intersection with Farm-to-Market Road 1016;

(C) Farm-to-Market Road 1016 between its intersection with State Highway 336 and its intersection with Trinity Road;

(D) Trinity Road between its intersection with Farm-to-Market Road 1016 and its intersection with Farm-to-Market Road 396;

(E) Farm-to-Market Road 396 between its intersection with Trinity Road and its intersection with the

Anzalduas International Bridge;

(F) Farm-to-Market Road 2061 between its intersection with Farm-to-Market Road 3072 and its intersection with U.S. Highway 281;

(G) U.S. Highway 281 between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(H) Spur 29 between its intersection with U.S. Highway 281 and its intersection with Doffin Canal Road;

(I) Doffin Canal Road between its intersection with the Pharr-Reynosa International Bridge and its intersection with Spur 29;

(J) Farm-to-Market Road 1015 between its intersection with U.S. Highway 281 and its intersection with U.S. Highway 83 Business;

(K) U.S. Highway 83 Business between its intersection with Farm-to-Market Road 1015 and its intersection with South Pleasantview Drive;

(L) Farm-to-Market Road 1015 between its intersection with U.S. Highway 83 Business and its intersection with Mile 9 Road North; and

(M) Mile 9 Road North between its intersection with Farm-to-Market Road 1015 and its intersection with Joe Stephens Avenue; or

(2) another route designated by the commission in consultation with the authority.

(b) The authority authorized under this section must serve the same geographic location as the roads over which the permit is valid.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1053 (H.B. 1969), Sec. 1, eff. September 1, 2015.

Redesignated from Transportation Code, Section 623.322 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Sec. 623.364. PERMIT FEES. (a) The authority may collect a fee for permits issued under this subchapter. Beginning September 1, 2017, the maximum amount of the fee may not exceed \$200 per trip. On September 1 of each subsequent year, the authority may adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Fees collected under Subsection (a) shall be used only for the construction and maintenance of the roads described by or designated under Section 623.363 and for the authority's administrative costs, which may not exceed 15 percent of the fees collected. The authority shall make payments to the Texas Department of Transportation to provide funds for the maintenance of roads and highways subject to this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.323 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(33), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 654 (S.B. 2227), Sec. 1, eff. September 1, 2017.

Sec. 623.365. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;
- (3) the signature of the designated agent for the authority;
- (4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;

(5) a statement:

(A) that the gross weight of the vehicle for which a permit is issued may not exceed 125,000 pounds; and

(B) of any other condition on which the permit is issued;

(6) a statement that the cargo may be transported in Hidalgo County only over the roads described by or designated under Section 623.363; and

(7) the location where the cargo was loaded.

(b) The authority shall report to the department all permits issued under this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.324 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(34), eff. September 1, 2015.

Sec. 623.366. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.325 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Sec. 623.367. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.326 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff.

September 1, 2015.

Sec. 623.368. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.327 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Sec. 623.369. RULES. The commission may adopt rules necessary to implement this subchapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 635 (H.B. 474), Sec. 1, eff. September 1, 2013.

Redesignated from Transportation Code, Section 623.328 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(61), eff. September 1, 2015.

Sec. 623.370. BOND. (a) The authority shall file with the Texas Department of Transportation a bond in an amount set by the Texas Department of Transportation under Subsection (b), payable to the Texas Department of Transportation, and conditioned that the authority will pay to the Texas Department of Transportation the amount by which the annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter exceeds the annual amount paid to the Texas Department of Transportation under Section 623.364(b).

(b) The Texas Department of Transportation shall set the amount of the bond required under Subsection (a) in an amount equal to the estimated annual cost to repair any damage to roads and highways subject to this subchapter from the movement of oversize and overweight vehicles for which permits are issued under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1053 (H.B. 1969), Sec. 2(b), eff. September 1, 2015.

SUBCHAPTER T. WEBB COUNTY PERMITS

Sec. 623.381. OPTIONAL PROCEDURE. This subchapter provides an optional procedure for the issuance of a permit by the City of Laredo for the movement of oversize or overweight vehicles carrying cargo on certain roadways located in Webb County.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. 2861), Sec. 1, eff. September 1, 2015.

Sec. 623.382. ISSUANCE OF PERMITS. (a) The commission may authorize the City of Laredo to issue permits for the movement of oversize or overweight vehicles carrying cargo in Webb County on the following roadways:

(1) Farm-to-Market Road 1472 between its intersection with State Highway Loop 20 and the northernmost of its intersections with World Trade Center Loop;

(2) Farm-to-Market Road 1472 between the northernmost of its intersections with World Trade Center Loop and its intersection with Hachar Loop, if the Hachar Loop project in Webb County is constructed;

(3) Hachar Loop between its intersection with Farm-to-Market Road 1472 and its intersection with Interstate Highway 35, if the Hachar Loop project in Webb County is constructed; and

(4) Beltway Parkway between its intersection with Hachar Loop and its intersection with Interstate Highway 35, if the Hachar Loop project in Webb County is constructed.

(b) In addition to the roadways described by Subsection (a), the City of Laredo may designate and issue permits for the movement of oversize or overweight vehicles carrying cargo in Webb County on roadways under the city's jurisdiction and control.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. 2861), Sec. 1, eff. September 1, 2015.

Sec. 623.383. SURETY BOND. The commission may require the City of Laredo to execute, at its own expense, a surety bond payable to the Texas Department of Transportation in an amount of not less

than \$500,000 for costs of maintenance for the roadways described by Section [623.382](#)(a).

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1, eff. September 1, 2015.

Sec. 623.384. PERMIT FEES. (a) The City of Laredo may collect a fee for permits issued under this subchapter. Except as otherwise provided by this subsection, the maximum amount of the fee may not exceed \$200 per trip. On September 1 of each year, the city may adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics or its successor in function.

(b) Fees collected under Subsection (a) may be used only for the operation and maintenance of the roadways described by or designated under Section [623.382](#) and for the City of Laredo's administrative costs, which may not exceed 15 percent of the fees collected.

(c) The distribution of the fees collected under Subsection (a) less the City of Laredo's administrative costs must be distributed between the state and the city based on lane mile calculations between on and off system roadways subject to this subchapter. Lane mile calculations must be adjusted on a biannual basis.

(d) The City of Laredo shall send the state's portion of the fees collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund. Fees deposited in the state highway fund under this section are exempt from the application of Section [403.095](#), Government Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1, eff. September 1, 2015.

Sec. 623.385. PERMIT REQUIREMENTS. (a) A permit issued under this subchapter must include:

- (1) the name of the applicant;
- (2) the date of issuance;

(3) the signature of the designated agent for the City of Laredo;

(4) a statement of the kind of cargo being transported, the maximum weight and dimensions of the equipment, and the kind and weight of each commodity to be transported;

(5) a statement:

(A) that the gross weight of the vehicle for which a permit is issued may not exceed 125,000 pounds; and

(B) of any other condition on which the permit is issued;

(6) a statement that the cargo may be transported in Webb County only over the roadways described by or designated under Section [623.382](#);

(7) a statement that the permit does not authorize the transportation of the cargo on an interstate highway; and

(8) the location where the cargo was loaded.

(b) The City of Laredo shall report to the department all permits issued under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1, eff. September 1, 2015.

Sec. 623.386. TIME OF MOVEMENT. A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1, eff. September 1, 2015.

Sec. 623.387. SPEED LIMIT. Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1, eff. September 1, 2015.

Sec. 623.388. ENFORCEMENT. The Department of Public Safety has authority to enforce this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. [2861](#)), Sec. 1,

eff. September 1, 2015.

Sec. 623.389. PAVEMENT MANAGEMENT PLAN. The Texas Department of Transportation shall create a pavement management plan for the roadways described by Section 623.382(a).

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. 2861), Sec. 1, eff. September 1, 2015.

Sec. 623.390. RULES. The commission may adopt rules necessary to implement this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 870 (H.B. 2861), Sec. 1, eff. September 1, 2015.

Subchapter U, consisting of Secs. 623.401 to 623.411, was added by

Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3.

For another Subchapter U, consisting of Secs. 623.401 to 623.407,

added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2,

see Sec. 623.401 et seq., post.

SUBCHAPTER U. INTERMODAL SHIPPING CONTAINERS

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

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

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

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

(B) a rail system for international transportation; and

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

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

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

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

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

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

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

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

(4) the semitrailer is configured as follows:

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

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

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

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

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured

longitudinally, is approximately 612 inches;

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

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

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

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

(4) the semitrailer is configured as follows:

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

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 3, eff. January 1, 2018.

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

(b) A permit issued under this subchapter is not valid in a county or municipality that is not designated in the permit application.

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 3, eff. January 1, 2018.

Sec. 623.404. PERMIT FEE. (a) An application for a permit under Section [623.402](#)(a) or (b) must be accompanied by a permit fee of \$6,000, of which:

(1) 50 percent shall be deposited to the credit of the

state highway fund;

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

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

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

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

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

(d) Notwithstanding Subsection (a), the amount of a fee under Subsection (a) to accompany a permit application that is received on or after January 1, 2028, must be determined by the department after consultation with The University of Texas Center for Transportation Research and the Texas A&M Transportation Institute.

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. [1524](#)), Sec. 3, eff. January 1, 2018.

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

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

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

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

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

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

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

(1) must begin or end at a port authority or port of entry that is located in a county contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf; and

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

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

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

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

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

(b) The sticker must:

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

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

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

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

(C) the truck-tractor is sold.

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

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

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

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

(A) on a public highway or road; and

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

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

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

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

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

(b) An offense under this section is a Class C misdemeanor. Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

Sec. 623.410. STUDY. Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation shall conduct a study concerning vehicles operating under a permit issued under this subchapter and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

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

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

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

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

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

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

Sec. 623.411. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing

the application for a permit under this subchapter.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, eff. January 1, 2018.

Subchapter U, consisting of Secs. 623.401 to 623.407, was added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2.

For another Subchapter U, consisting of Secs. 623.401 to 623.411, added by Acts 2017, 85th Leg., R.S., Ch. 108 (S.B. 1524), Sec. 3, see Sec. 623.401 et seq., post.

SUBCHAPTER U. VEHICLES TRANSPORTING FLUID MILK

Sec. 623.401. PERMIT FOR VEHICLES TRANSPORTING FLUID MILK.

(a) The department may issue a permit authorizing the movement of fluid milk by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems:

(1) at a gross weight that is not heavier than 90,000 pounds; and

(2) with axle weights that comply with the requirements of Section 621.101(a), except as authorized by Subsection (b).

(b) A vehicle combination operating under a permit issued under Subsection (a) may exceed the axle weights listed in Section 621.101(a) for the following axle groups if the overall distance between the first axle of the truck-tractor and the first axle of the first consecutive set of tandem axles is 15 feet or more, the overall distance between the first and last axles of two consecutive sets of tandem axles is 36 feet or more, the distance between each individual axle in each axle group, measured from the center of the axle, is between 48 inches and 54 inches, and:

(1) a two-axle group does not exceed 36,500 pounds; and

(2) a three-axle group does not exceed 42,500 pounds.

(c) To qualify for a permit under this subchapter, a permit

fee of \$1,200 must be paid.

(d) A permit issued under this subchapter:

(1) is valid for one year; and

(2) must be carried in the truck-tractor for which it is issued.

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2, eff. January 1, 2018.

Sec. 623.402. PERMIT STICKER. (a) When the department issues a permit under this subchapter, the department shall issue a sticker to be placed on the front windshield of the truck-tractor. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(b) The sticker must:

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

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

(A) the permit for operation of the vehicle combination expires;

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

(C) the truck-tractor is sold.

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2, eff. January 1, 2018.

Sec. 623.403. COUNTY DESIGNATION; DISTRIBUTION OF FEE.

(a) An applicant for a permit under this subchapter must designate in the permit application the counties in which the applicant intends to operate. A permit issued under this subchapter is not valid in a county that is not designated in the permit application.

(b) Of the fee collected under this subchapter for a permit:

(1) 75 percent of the amount collected shall be deposited to the credit of the state highway fund;

(2) 15 percent of the amount collected shall be divided equally among and distributed to the counties designated in the permit application; and

(3) 10 percent of the amount collected shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2, eff. January 1, 2018.

Sec. 623.404. PERMIT CONDITIONS. (a) Except as provided by Subsections (b) and (c), a vehicle combination operating under a permit under this subchapter may operate on a federal interstate highway or a state, county, or municipal road, including a frontage road adjacent to a federal interstate highway, if the truck-tractor displays a sticker required by Section 623.402 and the vehicle combination does not exceed the maximum axle or gross weight applicable to the combination under the terms of the permit.

(b) A permit issued under this subchapter authorizes the operation of a truck-tractor and semitrailer combination only on highways and roads approved by the Texas Department of Transportation.

(c) A permit issued under this subchapter does not authorize the operation of a truck-tractor and semitrailer combination on a county road or bridge for which a maximum weight and load limit has been established and posted under Section 621.301.

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2, eff. January 1, 2018.

Sec. 623.405. CERTAIN COUNTY OR MUNICIPAL ACTIONS PROHIBITED. Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a vehicle combination described by Section 623.401(a) or (b) in addition to a permit, fee, or license required by state law.

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. 1383), Sec. 2, eff. January 1, 2018.

Sec. 623.406. EXCLUSIVE PERMIT. A permit issued under this subchapter is the only permit issued by the department under this

chapter that may be used to transport fluid milk.

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. [1383](#)), Sec. 2, eff. January 1, 2018.

Sec. 623.407. RULES. (a) The department shall adopt rules necessary to implement this subchapter, including rules governing the application for a permit under this subchapter.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 750 (S.B. [1383](#)), Sec. 2, eff. January 1, 2018.