

1-1 By: Hill (Senate Sponsor - Carona) H.B. No. 2093
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 17, 2007, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 8, Nays 0; May 17, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2093 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the issuance and enforcement of motor carrier
1-11 overweight or oversize vehicle permits and motor carrier
1-12 registrations; providing administrative penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE. The
1-15 legislature finds that as the economy of this state continues its
1-16 steady growth, significant increases in the amount of freight
1-17 moving on the roadways of this state have followed suit; that the
1-18 demand for oversize and overweight permits issued by the motor
1-19 carrier division of the Texas Department of Transportation has long
1-20 since surpassed the department's capacity to keep pace; and that
1-21 the department's inability to service the needs of the trucking
1-22 industry has resulted in extreme delays in the issuance of permits
1-23 by the motor carrier division, which negatively impact not only the
1-24 motor carriers involved but also the shipping public they serve.
1-25 The purposes of this Act are to increase the fees charged for
1-26 permits issued by the motor carrier division of the Texas
1-27 Department of Transportation, to address enforcement efforts
1-28 against violators of the motor vehicle size and weight laws of this
1-29 state, and to provide a significant increase in revenue realized by
1-30 this state from increased permit fees, a portion of which will be
1-31 used to address the growing problem of the untimely issuance of
1-32 oversize and overweight permits by retaining an increased number of
1-33 appropriate private sector service providers to perform necessary
1-34 bridge and route inspections and a portion of which will be used to
1-35 add at least 25 full-time employees to the number employed by the
1-36 motor carrier division.

1-37 SECTION 2. Section 621.353(c), Transportation Code, is
1-38 amended to read as follows:

1-39 (c) The comptroller shall send each fee collected under
1-40 Section 623.0111 [~~623.0112~~] for an excess weight permit to the
1-41 counties designated on the application for the permit, with each
1-42 county shown on the application receiving an amount determined
1-43 according to the ratio of the total number of miles of county roads
1-44 maintained by the county to the total number of miles of county
1-45 roads maintained by all of the counties designated on the
1-46 application.

1-47 SECTION 3. Section 623.0111, Transportation Code, is
1-48 amended by amending Subsection (a) and adding Subsection (c) to
1-49 read as follows:

1-50 (a) When a person applies for a permit under Section
1-51 623.011, the person must:

1-52 (1) designate in the application each county in which
1-53 the vehicle will be operated; and

1-54 (2) pay in addition to other fees an annual fee in an
1-55 amount determined according to the following table:

Number of Counties Designated		Fee
	<u>1-5</u>	<u>\$175</u>
1-58	<u>6</u> [1]-20	<u>\$250</u> [\$125]
1-59	21-40	<u>\$450</u> [\$345]
1-60	41-60	<u>\$625</u> [\$565]
1-61	61-80	<u>\$800</u> [\$785]
1-62	81-100	<u>\$900</u> [\$1,005]
1-63	101-254	<u>\$1,000</u> [\$2,000]

2-1 (c) Of the fees collected under Subsection (a) the following
 2-2 amounts shall be deposited to the general revenue fund and the
 2-3 remainder shall be deposited to the credit of the state highway
 2-4 fund:

2-5	<u>Number of Counties</u>	<u>Amount Allocated to</u>
2-6	<u>Designated</u>	<u>General Revenue Fund</u>
2-7	<u>1-5</u>	<u>\$125</u>
2-8	<u>6-20</u>	<u>\$125</u>
2-9	<u>21-40</u>	<u>\$345</u>
2-10	<u>41-60</u>	<u>\$565</u>
2-11	<u>61-80</u>	<u>\$785</u>
2-12	<u>81-100</u>	<u>\$900</u>
2-13	<u>101-254</u>	<u>\$1,000</u>

2-14 SECTION 4. Section 623.076, Transportation Code, is amended
 2-15 by amending Subsections (a) and (c) and adding Subsection (a-1) to
 2-16 read as follows:

2-17 (a) An application for a permit under this subchapter must
 2-18 be accompanied by a permit fee of:

- 2-19 (1) \$60 [~~\$30~~] for a single-trip permit;
- 2-20 (2) \$120 [~~\$60~~] for a permit that is valid for a period
 2-21 not exceeding 30 days;
- 2-22 (3) \$180 [~~\$90~~] for a permit that is valid for a period
 2-23 of 31 days or more but not exceeding 60 days;
- 2-24 (4) \$240 [~~\$120~~] for a permit that is valid for a period
 2-25 of 61 days or more but not exceeding 90 days; or
- 2-26 (5) \$270 [~~\$135~~] for a permit issued under Section
 2-27 623.071(c)(1) or (2).

2-28 (a-1) The following amounts collected under Subsection (a)
 2-29 shall be deposited to the general revenue fund and the remainder
 2-30 deposited to the credit of the state highway fund:

2-31	<u>Amount of Fee</u>	<u>Amount Allocated to General Revenue Fund</u>
2-32	<u>\$60 (single-trip permit)</u>	<u>\$30</u>
2-33	<u>\$120 (30-day permit)</u>	<u>\$60</u>
2-34	<u>\$180</u>	<u>\$90</u>
2-35	<u>\$240</u>	<u>\$120</u>
2-36	<u>\$270</u>	<u>\$135</u>

2-37 (c) An application for a permit under Section 623.071(c)(3)
 2-38 or (d) must be accompanied by the permit fee established by the
 2-39 commission for the permit, not to exceed \$7,000 [~~\$3,500~~]. Of each
 2-40 fee collected under this subsection, the department shall send:

- 2-41 (1) the first \$1,000 to the comptroller for deposit to
 2-42 the credit of the general revenue fund; and
- 2-43 (2) any amount in excess of \$1,000 to the comptroller
 2-44 for deposit to the credit of the state highway fund.

2-45 SECTION 5. Section 623.077(a), Transportation Code, is
 2-46 amended to read as follows:

2-47 (a) An applicant for a permit under this subchapter, other
 2-48 than a permit under Section 623.071(c)(3), must also pay a highway
 2-49 maintenance fee in an amount determined according to the following
 2-50 table:

2-51	<u>Vehicle Weight in Pounds</u>	<u>Fee</u>
2-52	80,001 to 120,000	<u>\$150</u> [\$50]
2-53	120,001 to 160,000	<u>\$225</u> [\$75]
2-54	160,001 to 200,000	<u>\$300</u> [\$100]
2-55	200,001 and above	<u>\$375</u> [\$125]

2-56 SECTION 6. Sections 623.096(a) and (b), Transportation
 2-57 Code, are amended to read as follows:

2-58 (a) The department shall collect a fee of \$40 [~~\$20~~] for each
 2-59 permit issued under this subchapter. Of each fee, \$19.70 [~~30 cents~~]
 2-60 shall be deposited to the credit of the general revenue fund and the
 2-61 remainder deposited to the credit of the state highway fund.

2-62 (b) The department shall adopt rules concerning fees for
 2-63 each annual permit issued under Section 623.095(c) at a cost not to
 2-64 exceed \$3,000 [~~\$1,500~~]. [~~Two percent of any fee adopted shall be~~]

3-1 ~~deposited to the credit of the state highway fund.]~~

3-2 SECTION 7. Section 623.124, Transportation Code, is amended
3-3 to read as follows:

3-4 Sec. 623.124. FEE. (a) An application for a permit must be
3-5 accompanied by a fee of \$15 [~~\$7.50~~].

3-6 (b) The department shall send each fee collected under this
3-7 section to the comptroller. Of each fee received from the
3-8 department, the comptroller shall deposit \$7.50 to the credit of
3-9 the general revenue fund and \$7.50 to the credit of the state
3-10 highway fund.

3-11 SECTION 8. Section 623.144, Transportation Code, is amended
3-12 to read as follows:

3-13 Sec. 623.144. REGISTRATION OF VEHICLE. A permit under this
3-14 subchapter may be issued only if the vehicle is registered under
3-15 Chapter 502 for the maximum gross weight applicable to the vehicle
3-16 under Section 621.101 or has the distinguishing license plates as
3-17 provided by Section 504.504 [~~502.276~~] if applicable to the vehicle.

3-18 SECTION 9. Section 623.149(a), Transportation Code, is
3-19 amended to read as follows:

3-20 (a) The department may establish criteria to determine
3-21 whether oil well servicing, oil well clean out, or oil well drilling
3-22 machinery or equipment is subject to registration under Chapter 502
3-23 or eligible for the distinguishing license plate provided by
3-24 Section 504.504 [~~502.276~~].

3-25 SECTION 10. Section 623.182, Transportation Code, is
3-26 amended to read as follows:

3-27 Sec. 623.182. PERMIT FEE. (a) The fee for a permit under
3-28 this subchapter is \$100 [~~\$50~~].

3-29 (b) The department shall send each fee collected under this
3-30 subchapter to the comptroller. Of each fee received from the
3-31 department, the comptroller shall deposit \$50 to the credit of the
3-32 general revenue fund and \$50 to the credit of the state highway
3-33 fund.

3-34 SECTION 11. Section 623.194, Transportation Code, is
3-35 amended to read as follows:

3-36 Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this
3-37 subchapter may be issued only if the vehicle to be moved is
3-38 registered under Chapter 502 for the maximum gross weight
3-39 applicable to the vehicle under Section 621.101 or has the
3-40 distinguishing license plates as provided by Section 504.504
3-41 [~~502.276~~] if applicable to the vehicle.

3-42 SECTION 12. Section 623.199(a), Transportation Code, is
3-43 amended to read as follows:

3-44 (a) The department may establish criteria to determine
3-45 whether an unladen lift equipment motor vehicle that because of its
3-46 design for use as lift equipment exceeds the maximum weight and
3-47 width limitations prescribed by statute is subject to registration
3-48 under Chapter 502 or eligible for the distinguishing license plate
3-49 provided by Section 504.504 [~~502.276~~].

3-50 SECTION 13. Section 623.001, Transportation Code, is
3-51 amended to read as follows:

3-52 Sec. 623.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

3-53 (1) "Department" [~~,"department"~~] means the Texas
3-54 Department of Transportation.

3-55 (2) "Shipper" means a person who consigns the movement
3-56 of a shipment.

3-57 (3) "Shipper's certificate of weight" means a document
3-58 described by Section 623.274.

3-59 SECTION 14. Chapter 623, Transportation Code, is amended by
3-60 adding Subchapter N to read as follows:

3-61 SUBCHAPTER N. ADMINISTRATIVE SANCTIONS

3-62 Sec. 623.271. ADMINISTRATIVE ENFORCEMENT. (a) The
3-63 department may investigate and, except as provided by Subsection
3-64 (f), may impose an administrative penalty or revoke an oversize or
3-65 overweight permit issued under this chapter if the person or the
3-66 holder of the permit, as applicable:

3-67 (1) provides false information on the permit
3-68 application or another form required by the department for the
3-69 issuance of an oversize or overweight permit;

4-1 (2) violates this chapter, Chapter 621, or Chapter
4-2 622;

4-3 (3) violates a rule or order adopted under this
4-4 chapter, Chapter 621, or Chapter 622; or

4-5 (4) fails to obtain an oversize or overweight permit
4-6 if a permit is required.

4-7 (b) The notice and hearing requirements of Section 643.2525
4-8 apply to the imposition of an administrative penalty or the
4-9 revocation of a permit under this section as if the action were
4-10 being taken under that section.

4-11 (c) It is an affirmative defense to administrative
4-12 enforcement under this section that the person or holder of the
4-13 permit relied on the shipper's certificate of weight.

4-14 (d) The amount of an administrative penalty imposed under
4-15 this section is calculated in the same manner as the amount of an
4-16 administrative penalty imposed under Section 643.251.

4-17 (e) A person who has been ordered to pay an administrative
4-18 penalty under this section and the vehicle that is the subject of
4-19 the enforcement order may not be issued a permit under this chapter
4-20 until the amount of the penalty has been paid to the department.

4-21 (f) This subsection applies only to a vehicle or combination
4-22 that is used to transport agricultural products or timber products
4-23 from the place of production to the place of first marketing or
4-24 first processing. In connection with a violation of a vehicle or
4-25 combination weight restriction or limitation in this chapter,
4-26 Chapter 621, or Chapter 622, the department may not impose an
4-27 administrative penalty against a person or the holder of an
4-28 overweight permit if the weight of the vehicle or combination
4-29 involved in the violation did not exceed the allowable weight by
4-30 more than three percent.

4-31 Sec. 623.272. ADMINISTRATIVE PENALTY FOR FALSE INFORMATION
4-32 ON CERTIFICATE. (a) The department may investigate and impose an
4-33 administrative penalty on a shipper who provides false information
4-34 on a shipper's certificate of weight that the shipper delivers to a
4-35 person transporting a shipment.

4-36 (b) The notice and hearing requirements of Section 643.2525
4-37 apply to the imposition of an administrative penalty under this
4-38 section as if the action were being taken under that section.

4-39 (c) The amount of an administrative penalty imposed under
4-40 this section is calculated in the same manner as the amount of an
4-41 administrative penalty imposed under Section 643.251.

4-42 Sec. 623.273. INJUNCTIVE RELIEF. (a) The attorney
4-43 general, at the request of the department, may petition a district
4-44 court for appropriate injunctive relief to prevent or abate a
4-45 violation of this chapter or a rule or order adopted under this
4-46 chapter.

4-47 (b) Venue in a suit for injunctive relief under this section
4-48 is in Travis County.

4-49 (c) On application for injunctive relief and a finding that
4-50 a person is violating or has violated this chapter or a rule or
4-51 order adopted under this chapter, the court shall grant the
4-52 appropriate relief without bond.

4-53 (d) The attorney general and the department may recover
4-54 reasonable expenses incurred in obtaining injunctive relief under
4-55 this section, including court costs, reasonable attorney's fees,
4-56 investigative costs, witness fees, and deposition expenses.

4-57 Sec. 623.274. SHIPPER'S CERTIFICATE OF WEIGHT. (a) The
4-58 department shall prescribe a form to be used for a shipper's
4-59 certificate of weight. The form must provide space for the maximum
4-60 weight of the shipment being transported.

4-61 (b) For a shipper's certificate of weight to be valid, the
4-62 shipper must:

4-63 (1) certify that the information contained on the form
4-64 is accurate; and

4-65 (2) deliver the certificate to the motor carrier or
4-66 other person transporting the shipment before the motor carrier or
4-67 other person applies for an overweight permit under this chapter.

4-68 SECTION 15. Section 643.001, Transportation Code, is
4-69 amended by adding Subdivision (7-a) to read as follows:

5-1 (7-a) "Unified carrier registration system" means a
5-2 motor vehicle registration system established under 49 U.S.C.
5-3 Section 14504a or a similar federal registration program that
5-4 replaces that system.

5-5 SECTION 16. Section 643.002, Transportation Code, is
5-6 amended to read as follows:

5-7 Sec. 643.002. EXEMPTIONS. This chapter does not apply to:

5-8 (1) motor carrier operations exempt from registration
5-9 by the Unified Carrier Registration Act of 2005 (49 U.S.C. Section
5-10 14504a) or a motor vehicle registered under the single state
5-11 registration system established under 49 U.S.C. Section 14504(c)
5-12 when operating exclusively in interstate or international
5-13 commerce;

5-14 (2) a motor vehicle registered as a cotton vehicle
5-15 under Section 504.505 [~~502.277~~];

5-16 (3) a motor vehicle the department by rule exempts
5-17 because the vehicle is subject to comparable registration and a
5-18 comparable safety program administered by another governmental
5-19 entity;

5-20 (4) a motor vehicle used to transport passengers
5-21 operated by an entity whose primary function is not the
5-22 transportation of passengers, such as a vehicle operated by a
5-23 hotel, day-care center, public or private school, nursing home, or
5-24 similar organization;

5-25 (5) a vehicle operating under a private carrier permit
5-26 issued under Chapter 42, Alcoholic Beverage Code; or

5-27 (6) a vehicle operated by a governmental entity.

5-28 SECTION 17. Section 643.251(a), Transportation Code, is
5-29 amended to read as follows:

5-30 (a) The department may impose an administrative penalty
5-31 against a motor carrier required to register under Subchapter B
5-32 that violates this chapter [~~Subchapter B or C or Section 643.151,~~
5-33 ~~643.152, 643.153(a)-(f), or 643.155~~] or a rule or order adopted
5-34 under this chapter [~~those provisions or Section 643.003. The~~
5-35 ~~department shall designate one or more employees to investigate~~
5-36 ~~violations and administer penalties under this section~~].

5-37 SECTION 18. The heading to Section 643.252, Transportation
5-38 Code, is amended to read as follows:

5-39 Sec. 643.252. ADMINISTRATIVE SANCTIONS [~~SUSPENSION AND~~
5-40 ~~REVOCAION OF REGISTRATION~~].

5-41 SECTION 19. Section 643.252(a), Transportation Code, is
5-42 amended to read as follows:

5-43 (a) The department may suspend, [~~or~~] revoke, or deny a
5-44 registration issued under this chapter or place on probation a
5-45 motor carrier whose registration is suspended if a motor carrier:

5-46 (1) fails to maintain insurance or evidence of
5-47 financial responsibility as required by Section 643.101(a), (b),
5-48 (c), or (d);

5-49 (2) fails to keep evidence of insurance in the cab of
5-50 each vehicle as required by Section 643.103(b);

5-51 (3) fails to register a vehicle requiring
5-52 registration;

5-53 (4) violates any other provision of this chapter;

5-54 (5) knowingly provides false information on any form
5-55 filed with the department under this chapter; or

5-56 (6) [~~(5)~~] violates a rule or order adopted under this
5-57 chapter [~~Section 643.063~~].

5-58 SECTION 20. Subchapter F, Chapter 643, Transportation Code,
5-59 is amended by adding Section 643.2525 to read as follows:

5-60 Sec. 643.2525. ADMINISTRATIVE HEARING PROCESS. (a) If the
5-61 department determines that a violation has occurred for which an
5-62 enforcement action is being taken under Section 643.251 or 643.252,
5-63 the department shall give written notice to the motor carrier by
5-64 first class mail to the carrier's address as shown in the records of
5-65 the department.

5-66 (b) A notice required by Subsection (a) must include:

5-67 (1) a brief summary of the alleged violation;

5-68 (2) a statement of each administrative sanction being
5-69 taken;

6-1 (3) the effective date of each sanction;
 6-2 (4) a statement informing the carrier of the carrier's
 6-3 right to request a hearing; and

6-4 (5) a statement as to the procedure for requesting a
 6-5 hearing, including the period during which a request must be made.

6-6 (c) If not later than the 26th day after the date the notice
 6-7 is mailed the department receives a written request for a hearing,
 6-8 the department shall set a hearing and give notice of the hearing to
 6-9 the carrier. The hearing shall be conducted by an administrative
 6-10 law judge of the State Office of Administrative Hearings.

6-11 (d) If the motor carrier does not timely request a hearing
 6-12 under Subsection (c), the department's decision becomes final on
 6-13 the expiration of the period described by Subsection (c).

6-14 (e) The administrative law judge shall make findings of fact
 6-15 and conclusions of law and promptly issue to the director a proposal
 6-16 for a decision as to the occurrence of the violation and the
 6-17 administrative penalties or sanctions.

6-18 (f) In addition to a penalty or sanction proposed under
 6-19 Subsection (e), the administrative law judge shall include in the
 6-20 proposal for a decision a finding setting out costs, fees,
 6-21 expenses, and reasonable and necessary attorney's fees incurred by
 6-22 the state in bringing the proceeding. The director may adopt the
 6-23 finding and make it a part of a final order entered in the
 6-24 proceeding.

6-25 (g) Based on the findings of fact, conclusions of law, and
 6-26 proposal for a decision, the director by order may find that a
 6-27 violation has occurred and impose the sanctions or may find that a
 6-28 violation has not occurred.

6-29 (h) The director shall provide written notice to the motor
 6-30 carrier of a finding made under Subsection (g) and shall include in
 6-31 the notice a statement of the right of the carrier to judicial
 6-32 review of the order.

6-33 (i) Before the 31st day after the date the director's order
 6-34 under Subsection (g) becomes final as provided by Section 2001.144,
 6-35 Government Code, the motor carrier may appeal the order by filing a
 6-36 petition for judicial review contesting the order. Judicial review
 6-37 is under the substantial evidence rule.

6-38 (j) A petition filed under Subsection (i) stays the
 6-39 enforcement of the administrative action until the earlier of the
 6-40 550th day after the date the petition was filed or the date a final
 6-41 judgment is rendered by the court.

6-42 (k) If the motor carrier is required to pay a penalty or cost
 6-43 under Subsection (f), failure to pay the penalty or cost before the
 6-44 61st day after the date the requirement becomes final is a violation
 6-45 of this chapter and may result in an additional penalty, revocation
 6-46 or suspension of a motor carrier registration, or denial of renewal
 6-47 of a motor carrier registration.

6-48 (l) A motor carrier that is required to pay a penalty, cost,
 6-49 fee, or expense under this section or Section 643.251 is not
 6-50 eligible for a reinstatement or renewal of a registration under
 6-51 this chapter until all required amounts have been paid to the
 6-52 department.

6-53 (m) If the suspension of a motor carrier's registration is
 6-54 probated, the department may require the carrier to report
 6-55 regularly to the department on any matter that is the basis of the
 6-56 probation. Any violation of the probation may result in the
 6-57 imposition of an administrative penalty or the revocation of the
 6-58 registration.

6-59 (n) All proceedings under this section are subject to
 6-60 Chapter 2001, Government Code.

6-61 SECTION 21. Section 643.254(a), Transportation Code, is
 6-62 amended to read as follows:

6-63 (a) To investigate an alleged violation of this chapter or a
 6-64 rule or order adopted under this chapter [~~Subchapter B, C, or D~~], an
 6-65 officer or employee of the department who has been certified for the
 6-66 purpose by the director may enter a motor carrier's premises to
 6-67 inspect, copy, or verify the correctness of a document, including
 6-68 an operation log or insurance certificate.

6-69 SECTION 22. Subchapter F, Chapter 643, Transportation Code,

7-1 is amended by adding Section 643.255 to read as follows:

7-2 Sec. 643.255. INJUNCTIVE RELIEF. (a) The attorney general,
7-3 at the request of the department, may petition a district court for
7-4 appropriate injunctive relief to prevent or abate a violation of
7-5 this chapter or a rule or order adopted under this chapter.

7-6 (b) Venue in a suit for injunctive relief under this section
7-7 is in Travis County.

7-8 (c) On application for injunctive relief and a finding that
7-9 a person is violating or has violated this chapter or a rule or
7-10 order adopted under this chapter, the court shall grant the
7-11 appropriate relief without bond.

7-12 (d) The attorney general and the department may recover
7-13 reasonable expenses incurred in obtaining injunctive relief under
7-14 this section, including court costs, reasonable attorney's fees,
7-15 investigative costs, witness fees, and deposition expenses.

7-16 SECTION 23. Section 645.001, Transportation Code, is
7-17 amended to read as follows:

7-18 Sec. 645.001. FEDERAL MOTOR CARRIER [SINGLE STATE]
7-19 REGISTRATION. The Texas Department of Transportation may [shall],
7-20 to the fullest extent practicable, participate in a federal motor
7-21 carrier registration program under the unified carrier
7-22 registration system as defined by Section 643.001 or the single
7-23 state registration system established under 49 U.S.C. Section
7-24 14504.

7-25 SECTION 24. Section 645.003, Transportation Code, is
7-26 amended to read as follows:

7-27 Sec. 645.003. ENFORCEMENT RULES. The department shall
7-28 adopt rules that are consistent with federal law providing for[+]

7-29 [~~(1)~~] administrative penalties and sanctions for a
7-30 failure to register as required by the unified carrier registration
7-31 system or single state registration system or for a violation of
7-32 this chapter or a rule adopted under this chapter in the same manner
7-33 as Subchapter F, Chapter 643 [Section 643.251, and

7-34 [~~(2)~~] suspension and revocation of registration in the
7-35 same manner as Section 643.252].

7-36 SECTION 25. The following laws are repealed:

7-37 (1) Sections 643.251(d), (e), (f), (g), (h), (i), (j),
7-38 (k), (l), (m), (n), (o), (p), (q), and (r), Transportation Code; and

7-39 (2) Sections 643.252(c), (d), and (e), Transportation
7-40 Code.

7-41 SECTION 26. (a) Subchapter N, Chapter 623, Transportation
7-42 Code, as added by this Act, applies only to a violation that occurs,
7-43 or information that is provided to the Texas Department of
7-44 Transportation, on or after the effective date of this Act.

7-45 (b) Section 643.2525, Transportation Code, as added by this
7-46 Act, applies only to a violation for which an enforcement action
7-47 under Section 643.251 or 643.252, Transportation Code, is commenced
7-48 on or after the effective date of this Act, regardless of when the
7-49 violation occurred. An action commenced under Section 643.251 or
7-50 643.252, Transportation Code, before the effective date of this Act
7-51 is governed by the law in effect immediately before the effective
7-52 date of this Act, and the former law is continued in effect for that
7-53 purpose.

7-54 (c) The changes in law made by this Act relating to the
7-55 amount or disposition of a fee collected by the Texas Department of
7-56 Transportation in connection with a permit for an overweight or
7-57 oversize vehicle apply only to a permit that is applied for on or
7-58 after the effective date of this Act.

7-59 SECTION 27. This Act takes effect September 1, 2007.

7-60 * * * * *