

1-1 By: Pickett (Senate Sponsor - Nichols) H.B. No. 1252  
 1-2 (In the Senate - Received from the House April 14, 2015;  
 1-3 April 30, 2015, read first time and referred to Committee on  
 1-4 Transportation; May 14, 2015, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 14, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to uniform weighing procedures requirements for motor  
 1-20 vehicle weight enforcement officers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 621.402, Transportation Code, is amended  
 1-23 by adding Subsection (e) to read as follows:

1-24 (e) The Department of Public Safety:

1-25 (1) shall establish by rule uniform weighing  
 1-26 procedures for weight enforcement officers to ensure an accurate  
 1-27 weight is obtained for a motor vehicle; and

1-28 (2) may revoke or rescind the authority of:

1-29 (A) a weight enforcement officer who fails to  
 1-30 comply with those rules; or

1-31 (B) weight enforcement officers of a municipal  
 1-32 police department, sheriff's department, or constable's office that  
 1-33 fails to comply with those rules.

1-34 SECTION 2. Section 621.508, Transportation Code, is amended  
 1-35 to read as follows:

1-36 Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE  
 1-37 OVER MAXIMUM ALLOWABLE [~~AXLE~~] WEIGHT. (a) It is an affirmative  
 1-38 defense to prosecution of, or an action under Subchapter F for, the  
 1-39 offense of operating a vehicle with a single axle weight or tandem  
 1-40 axle weight heavier than the axle weight authorized by law that at  
 1-41 the time of the offense the vehicle:

1-42 (1) had a single axle weight or tandem axle weight that  
 1-43 was not heavier than the axle weight authorized by law plus 12  
 1-44 percent;

1-45 (2) was loaded with timber, pulp wood, wood chips, or  
 1-46 cotton, livestock, or other agricultural products that are:

1-47 (A) in their natural state; and

1-48 (B) being transported from the place of  
 1-49 production to the place of first marketing or first processing; and

1-50 (3) was not being operated on a portion of the national  
 1-51 system of interstate and defense highways.

1-52 (b) It is an affirmative defense to prosecution of, or an  
 1-53 action under Subchapter F for, the offense of operating a vehicle  
 1-54 with a single axle weight, tandem axle weight, or gross weight  
 1-55 heavier than the weight authorized by law that at the time of the  
 1-56 offense the weight enforcement officer failed to follow the  
 1-57 weighing procedures established under Section 621.402(e) when  
 1-58 determining the weight of the vehicle.

1-59 SECTION 3. (a) Not later than January 1, 2016, the  
 1-60 Department of Public Safety shall adopt rules necessary to  
 1-61 implement Section 621.402(e), Transportation Code, as added by this

2-1 Act.

2-2 (b) Section 621.508(b), Transportation Code, as added by  
2-3 this Act, applies only to an offense committed on or after the  
2-4 effective date of a rule adopted by the Department of Public Safety  
2-5 under this section. For purposes of this section, an offense was  
2-6 committed before the effective date of a rule adopted by the  
2-7 Department of Public Safety under this section if any element of the  
2-8 offense occurred before that date.

2-9 (c) An offense committed before the effective date of a rule  
2-10 adopted by the Department of Public Safety under this section is  
2-11 governed by the law in effect on the date the offense was committed,  
2-12 and the former law is continued in effect for that purpose.

2-13 SECTION 4. This Act takes effect September 1, 2015.

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