

1-1 By: Landgraf, et al. (Senate Sponsor - Nichols) H.B. No. 799  
 1-2 (In the Senate - Received from the House April 11, 2019;  
 1-3 April 17, 2019, read first time and referred to Committee on  
 1-4 Transportation; May 1, 2019, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 1, 2019, 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 liability for certain damage caused by vehicles  
 1-20 exceeding maximum height limitations; creating a criminal offense.

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

1-22 SECTION 1. Section 621.207(c), Transportation Code, is  
 1-23 amended to read as follows:

1-24 (c) The owner of a vehicle is strictly liable for any [Any]  
 1-25 damage to a bridge, underpass, or similar structure that is caused  
 1-26 by the height of the [a] vehicle unless at the time the damage was  
 1-27 caused:

- 1-28 (1) the vehicle was stolen;
- 1-29 (2) the vertical clearance of the structure was less  
 1-30 than that posted on the structure;
- 1-31 (3) the vehicle was being operated under the immediate  
 1-32 direction of a law enforcement agency; or
- 1-33 (4) the vehicle was being operated in compliance with  
 1-34 a permit authorizing the movement of the vehicle issued by the  
 1-35 department or a political subdivision of this state [is the  
 1-36 responsibility of the owner of the vehicle].

1-37 SECTION 2. Section 621.504, Transportation Code, is amended  
 1-38 to read as follows:

1-39 Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE; OFFENSE. (a)  
 1-40 A person commits an offense if the person operates [may not operate]  
 1-41 or attempts [attempt] to operate a vehicle over or on a bridge or  
 1-42 through an underpass or similar structure unless the height of the  
 1-43 vehicle, including load, is less than the vertical clearance of the  
 1-44 structure as shown by the records of the Texas Department of  
 1-45 Transportation.

1-46 (b) Except as provided by Subsection (c), an offense under  
 1-47 this section is a Class C misdemeanor.

1-48 (c) If it is shown on the trial of an offense under this  
 1-49 section that the person was not in compliance with all applicable  
 1-50 license and permit requirements for the operation of the vehicle,  
 1-51 an offense under this section is a Class B misdemeanor punishable  
 1-52 by:

- 1-53 (1) a fine not to exceed \$500;
- 1-54 (2) confinement in county jail for a term not to exceed  
 1-55 30 days; or
- 1-56 (3) both the fine and the confinement.

1-57 (d) It is an affirmative defense to prosecution of an  
 1-58 offense under this section that at the time of the offense:

- 1-59 (1) the vertical clearance of the structure was less  
 1-60 than that posted on the structure;
- 1-61 (2) the vehicle was being operated under the immediate

2-1 direction of a law enforcement agency; or  
2-2 (3) the vehicle was being operated in compliance with  
2-3 a permit authorizing the movement of the vehicle issued by the  
2-4 department or a political subdivision of this state.

2-5 SECTION 3. Section 623.148(b), Transportation Code, is  
2-6 amended to read as follows:

2-7 (b) Except as provided by Section 621.207, the [The] owner  
2-8 of a vehicle involved in the movement of an oversize or overweight  
2-9 vehicle, even if a permit has been issued for the movement, is  
2-10 strictly liable for any damage the movement causes the highway  
2-11 system or any of its structures or appurtenances.

2-12 SECTION 4. Section 623.198(b), Transportation Code, is  
2-13 amended to read as follows:

2-14 (b) Except as provided by Section 621.207, the [The] owner  
2-15 of a vehicle involved in the movement of an oversize or overweight  
2-16 vehicle, even if a permit has been issued for the movement, is  
2-17 strictly liable for any damage the movement causes the highway  
2-18 system or any of its structures or appurtenances.

2-19 SECTION 5. Sections 621.207(c), 623.148(b), and  
2-20 623.198(b), Transportation Code, as amended by this Act, apply only  
2-21 to damage that occurs on or after the effective date of this Act.  
2-22 Damage that occurs before the effective date of this Act is governed  
2-23 by the law in effect immediately before the effective date of this  
2-24 Act, and that law is continued in effect for that purpose.

2-25 SECTION 6. Section 621.504, Transportation Code, as amended  
2-26 by this Act, applies only to an offense committed on or after the  
2-27 effective date of this Act. An offense committed before the  
2-28 effective date of this Act is governed by the law in effect on the  
2-29 date the offense was committed, and the former law is continued in  
2-30 effect for that purpose. For purposes of this section, an offense  
2-31 was committed before the effective date of this Act if any element  
2-32 of the offense occurred before that date.

2-33 SECTION 7. This Act takes effect September 1, 2019.

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