AN ACT

relating to the operation and continuation of the law authorizing
the issuance of oversize or overweight vehicle permits by certain
port authorities.

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

ARTICLE 1. AMENDMENT OF SUBCHAPTER X, CHAPTER 623, BEFORE
EXPIRATION

SECTION 1.01. Subsection (b), Section 623.214,
Transportation Code, is amended to read as follows:

(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 payments provided for under Section 623.213 less
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 [6].

SECTION 1.02. Subsection (a), Section 623.215,
Transportation Code, is amended to read as follows:

(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 [over State Highways 48 and 4 between the Gateway International Bridge and the entrance to the Port of Brownsville, or over State Highways 48 and 4 and United States Highways 77 and 83 between Veteran International Bridge at Los Tomates and the entrance to the Port of Brownsville], 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 [that the cargo shall be transported over the most direct route from the Gateway International Bridge or the Veteran 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];

(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.

SECTION 1.03. Section 623.219, Transportation Code, is amended to read as follows:

Sec. 623.219. ROUTE DESIGNATION [EXPIRATION]. (a) The commission shall, with the consent of the port authority, designate the most direct route from 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
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Highways 77 and 83 or using United States Highway 77 and United

(b) 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 [This subchapter expires
June 1, 2009].

SECTION 1.04. Section 623.213, Transportation Code, is
repealed.

ARTICLE 2. REENACTMENT AND AMENDMENT OF SUBCHAPTER K,
CHAPTER 623, AFTER EXPIRATION

SECTION 2.01. Subchapter K, Chapter 623, Transportation
Code, is reenacted and amended to read as follows:

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 contiguous to the Gulf of Mexico or a bay or
inlet opening into the gulf and bordering the United Mexican
States.

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

Sec. 623.212. PERMITS BY PORT AUTHORITY. The department
may authorize a port authority to issue permits for the movement of
oversize or overweight vehicles carrying cargo on state highways
located in counties contiguous to the Gulf of Mexico or a bay or
inlet opening into the gulf and bordering the United Mexican
States.

Sec. 623.213. [MAINTENANCE CONTRACTS. A port authority
issuing permits under this subchapter shall make payments to the
department to provide funds for the maintenance of state highways
subject to this subchapter.

[Sec. 623.214.] PERMIT FEES. (a) A port authority may
collect a fee for permits issued under this subchapter. The [Such]
fees may [shall] not exceed $80 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
chapter. The [payments provided for under Section 623.213 less]
administrative costs, which may [shall] not exceed 15 percent of
the fees collected, may be retained by the port authority. The
[Such] fees, less administrative costs, shall be deposited in the
State Highway Fund [6].

Sec. 623.214 [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 [over State highways 48 and 4 between the Gateway
International Bridge and the entrance to the Port of Brownsville,
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1 or over State Highways 48 and 4 and United States Highways 77 and 83
2 between Veterans International Bridge at Loe Tomates and the
3 entrance to the Port of Brownsville], the maximum weight and
4 dimensions of the equipment, and the kind and weight of each
5 commodity to be transported provided the gross weight of such
6 equipment and commodities shall not exceed 125,000 pounds;
7
8 (5) a statement of any condition on which the permit is
9 issued;
10
11 (6) a statement of the route designated under Section
12 623.218 [that the cargo shall be transported over the most direct
13 route from the Gateway International Bridge or the Veterans
14 International Bridge at Loe Tomates to the entrance of the Port of
15 Brownsville using State Highways 48 and 4 or United States Highways
16 77 and 83];
17
18 (7) the name of the driver of the vehicle in which the
19 cargo is to be transported; and
20
21 (8) the location where the cargo was loaded.
22
23 (b) A port authority shall report to the department all
24 permits issued under this subchapter.
25
26 Sec. 623.215 [623.216]. TIME OF MOVEMENT. A permit issued
27 under this subchapter shall specify the time in which movement
28 authorized by the permit is allowed.
29
30 Sec. 623.216 [623.217]. SPEED LIMIT. Movement authorized
31 by a permit issued under this subchapter shall not exceed the posted
32 speed limit or 55 miles per hour, whichever is less. Violation of
33 this provision shall constitute a moving violation.
34
35 Sec. 623.217 [623.218]. ENFORCEMENT. The Department of
Public Safety shall have authority to enforce the provisions of this subchapter.

Sec. 623.218 [623.219]. ROUTE DESIGNATION [EXPIRATION].

(a) The commission shall, with the consent of the port authority, designate the most direct route from 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.

(b) 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 [This subchapter expires June 1, 2009].

ARTICLE 3. TRANSITION AND EFFECTIVE DATE PROVISIONS

SECTION 3.01. A vehicle for which a permit is issued under Subchapter K, Chapter 623, Transportation Code, before the date that a route designated by the Texas Transportation Commission under Section 623.219, Transportation Code, as amended by this Act, takes effect must use the route specified in Subdivision (6), Subsection (a), Section 623.215, Transportation Code, as that section existed immediately before the effective date of this Act, and that section continues in effect for that purpose.

SECTION 3.02. (a) Article 1 of this Act takes effect only if this Act takes effect before June 1, 2009.
(b) Subchapter K, Chapter 623, Transportation Code, as reenacted and amended by Article 2 of this Act, takes effect only if this Act takes effect on or after June 1, 2009.

SECTION 3.03. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.
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Nancy K. Kubosh
President of the Senate

I hereby certify that S.B. No. 1373 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 8, 2009, by the following vote: Yeas 30, Nays 0.

Jim Forman
Speaker of the House

I hereby certify that S.B. No. 1373 passed the House, with amendment, on May 5, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Robert Hamby
Chief Clerk of the House

Approved:

19 May '09

Rick Perry
Governor

Filed in the office of the Secretary of State
2 P.M. O'clock

MAY 19 2009

Secretary of State