

Chapter 715

H.B. No. 1252

1 AN ACT

2 relating to uniform weighing procedures requirements for motor  
3 vehicle weight enforcement officers.

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

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

7 (e) The Department of Public Safety:

8 (1) shall establish by rule uniform weighing  
9 procedures for weight enforcement officers to ensure an accurate  
10 weight is obtained for a motor vehicle; and

11 (2) may revoke or rescind the authority of:

12 (A) a weight enforcement officer who fails to  
13 comply with those rules; or

14 (B) weight enforcement officers of a municipal  
15 police department, sheriff's department, or constable's office that  
16 fails to comply with those rules.

17 SECTION 2. Section 621.508, Transportation Code, is amended  
18 to read as follows:

19 Sec. 621.508. AFFIRMATIVE DEFENSE FOR OPERATING VEHICLE  
20 OVER MAXIMUM ALLOWABLE [~~AXLE~~] WEIGHT. (a) It is an affirmative  
21 defense to prosecution of, or an action under Subchapter F for, the  
22 offense of operating a vehicle with a single axle weight or tandem  
23 axle weight heavier than the axle weight authorized by law that at  
24 the time of the offense the vehicle:

1 (1) had a single axle weight or tandem axle weight that  
2 was not heavier than the axle weight authorized by law plus 12  
3 percent;

4 (2) was loaded with timber, pulp wood, wood chips, or  
5 cotton, livestock, or other agricultural products that are:

6 (A) in their natural state; and

7 (B) being transported from the place of  
8 production to the place of first marketing or first processing; and

9 (3) was not being operated on a portion of the national  
10 system of interstate and defense highways.

11 (b) It is an affirmative defense to prosecution of, or an  
12 action under Subchapter F for, the offense of operating a vehicle  
13 with a single axle weight, tandem axle weight, or gross weight  
14 heavier than the weight authorized by law that at the time of the  
15 offense the weight enforcement officer failed to follow the  
16 weighing procedures established under Section 621.402(e) when  
17 determining the weight of the vehicle.

18 SECTION 3. (a) Not later than January 1, 2016, the  
19 Department of Public Safety shall adopt rules necessary to  
20 implement Section 621.402(e), Transportation Code, as added by this  
21 Act.

22 (b) Section 621.508(b), Transportation Code, as added by  
23 this Act, applies only to an offense committed on or after the  
24 effective date of a rule adopted by the Department of Public Safety  
25 under this section. For purposes of this section, an offense was  
26 committed before the effective date of a rule adopted by the  
27 Department of Public Safety under this section if any element of the

1 offense occurred before that date.

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

6 SECTION 4. This Act takes effect September 1, 2015.

*Jon Patack*  
President of the Senate

*Joe Straus*  
Speaker of the House

I certify that H.B. No. 1252 was passed by the House on April 13, 2015, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

*Robert Honey*  
Chief Clerk of the House

I certify that H.B. No. 1252 was passed by the Senate on May 25, 2015, by the following vote: Yeas 31, Nays 0.

*Datsig Saw*  
Secretary of the Senate

APPROVED: 6-10-2015  
Date

*Brey Abbott*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:09 pm O'CLOCK

JUN 17 2015  
*C. Williams*  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 1, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1252** by Pickett (Relating to uniform weighing procedures requirements for motor vehicle weight enforcement officers.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle. The bill would also authorize DPS to revoke or rescind the authority of certain weight enforcement officers who fail to comply with the weighing procedures.

The bill would also provide an affirmative defense to the offense of operating a certain vehicle with a weight heavier than the weight authorized by law that at the time of the offense if the weight enforcement officer failed to follow the weighing procedures established by DPS pursuant to this bill when determining the weight of the vehicle.

It is assumed DPS can absorb any costs associated with implementing the provisions of this bill within current resources. The bill would take effect September 1, 2015.

**Local Government Impact**

The Department of Public Safety (DPS) notes in its response that the bill would likely include a requirement for local entities to enter into a Memorandum of Understanding with DPS to indicate the local entity will adhere to the standards promulgated by DPS. According to the City of Carrollton, fiscal impact to counties to implement the provisions of the bill is not anticipated to be significant.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, AI, JAW, KVe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 11, 2015**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1252** by Pickett (Relating to uniform weighing procedures requirements for motor vehicle weight enforcement officers.), **As Introduced**

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