



# Under *the* Dome

TXTA & SMA Wrap Up Texas' 85th Legislative Session



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**TXTA & SMA 85th Session Recap**

Most New Laws Were Effective September 1, 2017, Document Published 2017

# Texas' 85th Legislative Session

The 2017 Texas Legislative Session was a success for the Texas trucking industry. TXTA's legislative team led the charge on these bills as well as those that were impacted by their work under the dome. On the tracking sheet were several bills including banning texting while driving, seeking to abolish the driver responsibility (surcharge) program, implementing Truckers Against Traffickers, abolishing red light cameras and decreasing—if not eliminating—the Margins Tax.

# 2017 Session by the Numbers



## REGULAR SESSION

Jan 10–May 29

**6,631**

Bills Filed

**1,211**

Passed

**50**

Vetoed

## 1ST CALLED SESSION

Jul 18–Aug 15

**508**

Bills Filed

**12**

Passed

**0**

Vetoed





# Bills Passed

## Led By TXTA

### **HB 2065 Local Enforcement Transparency**

Requires more transparency by the legislature through the comptroller's office for reporting the revenue and expenditures collected by a county or municipality that has entered into a memorandum of understanding with TxDPS to enforce the federal commercial motor vehicle codes. Since 1997 there are now 72 different entities with this authority. This ensures safety is the primary focus of any MOU partner. **HB 1355** and **HB 1570** also passed this session that would add the Midlothian Police Department and Alvarado Police Department to the list of MOU partner while **HB 3455** that would have added the Williamson County Sheriff's Department failed.

### **HB 3103 Local Property Tax Overreach**

New law seeks to clarify a local interpretation of the property tax code that is being applied very liberally by certain county appraisal districts. A growing number of carriers have been required to render more real property than is believed eligible for allocation of local property tax. This law corrects that.

### **HB 3254 Chameleon Carriers Prohibition**

Regarded as a clean up bill that will help discourage deceptive trade practices among motor carriers in Texas. It further prohibits the practice of motor carriers from having their authority revoked from the TxDMV open up under a new name in a short time frame.

### **HB 1793 Out-Of-State CMV Inspections**

Allows Texas trucking companies with equipment registered in Texas but domiciled in other states, to be able to have their equipment legally inspected in the states they are domiciled in while maintaining Texas registration. A special thanks to TXTA members Alan Riddick with TNT Crane & Rigging and Barry Detlefsen with Coastal Transport who came to testify on these bills.



# Bills Passed

## Influenced By TXTA

### **SB 1524 Heavyweight Containers**

A flurry of late amendments were added to this senate bill that ultimately passed and has already been signed by the governor. The new law will allow U.S. Customs sealed international intermodal containers to travel within 30 miles of seaports or ports of entry at weights not to exceed 93,000 pounds on six axles, or not to exceed 100,000 pounds on seven axles. These loads would not be allowed to travel on interstate highways or posted roads and bridges at weights above the prescribed amounts. TxDOT will also have to determine what those very specific routes would be, as restricted by bridge formulas. The amendments changed the original bill to also allow, “navigational districts” and “port authorities” to be added to the eligible entities; it removes all border points of entry with Mexico from eligibility; raises the permit fee from \$5,000 to \$6,000 and shares fees specified directly with counties and municipalities; requires TxDOT to study bridge and road performance for future review; adds municipal courts to jurisdiction over offenses, and the final amendment keeps the fee at \$6,000 for 10 years, at which time allows TxDOT to consult with the Center for Transportation Research and the Texas Transportation Institute to review and set. TXTA worked to ensure that state-

of-the-art safety technology such anti-roll stability support, blind spot and lane departure systems would be required, in addition to proper driver training as well as making certain the integrity of the truck and trailer were not compromised in determining the configurations that are eligible.

### **HB 62 Texting Ban**

Makes texting unlawful across the entire state for all drivers.

### **HB 2319 Natural Gas Exemption**

Allows 2,000 pounds tolerance to account for the additional weight of the equipment and fuel tanks necessary to run class eight trucks on natural gas. The bills follow the language in the federal FAST Act permitting the same. This bill saw a late successful amendment that added an approximate three mile stretch of state highway in North East Texas to allow for overweight loads of paper products to move through Texas from Arkansas to Louisiana.





# Bills Passed

## **SB 128 Human Trafficking Prevention**

Requires education for new CDL applicants on the signs to look for to prevent human trafficking for sexual exploitation, specifically among minors.

## **HB 1791 Connected Truck**

Adjusts current Texas Laws prohibiting “tailgating” or maintaining safe distances between vehicles in order to accommodate truck platooning in Texas. Special thanks to TXTA member Peloton Technology for promoting this legislation.

## **SB 1383 Fluid Milk Overweight Permit**

Allows fluid milk trucks to operate on county, state and federal interstate highways up to 90,000 pounds. The law requires a new permit issued at a cost of \$1,200 to be split between the counties of operation and the state highway fund. The law also follows the same new weight tolerances added in the FAST Act specifically for the milk industry. *Contains TXTA safety provisions.*

## **SB 1001 Fleet Vehicle Inspections**

Trailers with a gross vehicle weight rating (GVWR) of 4,501 pounds or more require inspection for registration. As a result, boat trailers and campers are included in the inspection requirement. This law increases the GVWR inspection requirement from 4,500 to 7,500 pounds, meaning larger trailers would fall under the inspection criteria prescribed by statute, but smaller boat trailers and campers would fall below the requirement. This change mirrors other regulations, as police still have discretion to pull over anyone considered to be a threat to safety on the roadways due to a decrepit trailer. This also exempts trailers with a gross weight of less than 7,500 lbs from inspection requirements to bring statute into conformity with current regulations and common practice. This will also allow companies with qualifying fleets greater than 25 to self-inspect.





# Bills Passed

## Impacting Our Industry

### **SB 312 TxDOT Sunset Bill**

Essentially allows TxDOT to continue its operations; however, it also contains an amendment that would end the tolling of the Camino Colombia Toll Road in Laredo. This was a bill that failed on its own but was resurrected on the TxDOT Sunset Bill. The toll road was originally approved in 1997 as a private toll route for truck traffic coming over the Colombia Solidarity International Bridge on the US-Mexico border. State Highway 255 continues up and crosses Mines Road (FM 1472) and terminates at I-35. The toll road was foreclosed on 2003 and auctioned off in 2004. The route was closed to all traffic until it was subsequently purchased by TxDOT and reopened in September 2004. Other notable amendments include preventing TxDOT from turning carpool lanes opened before 2005 into toll lanes. In addition, penalties for unpaid toll bills are lowered as well as decriminalizing toll violations.

### **SB 2227 Hidalgo County Permit/Fee Increase**

Raises the fee for an existing oversize/overweight vehicle corridor from \$80 per trip to not to exceed \$200 per trip and partially retained by the local Regional Mobility Authority.

### **HB 4156 Port of Freeport Permit Expansion**

Extends an existing heavyweight route for a steel tube manufacturer, Tenaris, who is expanding its facilities and operations in Brazoria and Matagorda Counties. With the consent of the port authority, the most direct route from 5261 Seventh Street in Bay City to the entrance of Port Freeport using State Highway 35, Loop 419, State Highway 36, and FM 1495, among certain other routes would be established. The permit is for up to 120,000 pounds.

### **SB 1291 Chambers County Overweight Permits**

Makes a clarification that the previously expanded portions of two state highways within Chambers County, which are authorized to issue oversize and overweight permits for loads that include the frontage roads of State Highway 99, excludes any portion of the highway for which payment of a toll is required. This would also specifically include the portion of the frontage road located in the Cedar Crossing Business and Industrial Park.



# ✘ Bills Not Passed

## Led By TXTA

### **HB 2300/2301 Tort Reforms for Trucking**

HB 2301, dealing with medical affidavits sought to address the trucking industry plaintiff attorney's control over the deadlines for filing affidavits, and in some cases prevents defendants from arguing that medical expenses are unreasonable. The bill received a hearing in committee followed by negotiation among opposing parties on disputed language, but failed to be voted on afterward amid stiff opposition from the trial attorneys. HB 2300, TXTA's other tort reform measure, sought to address industry concerns over paid or incurred measures during litigation, failed to be heard in committee over opposition from the doctors. We will begin work over the interim to look at either resurrecting these measures for the 86th legislative session or other avenues to pursue within tort reform.

### **HB 2433 Permanent Token Trailer Plates**

Would have created a token trailer registration plate that would be permanent.

### **HB 2598/2921 Cargo Release**

Activity this legislative session surrounding towing issues centered primarily on technical clean up and some significant changes regulating the booting of motor vehicles. The Texas Department of Licensing and Regulation, which regulates towing, is facing a sunset review next session. While there was little legislative appetite to move much else, we were able to raise our concerns over our challenges to the level we anticipate to be included in that sunset review. In working with the two premier towing associations in Texas, all could agree we have mutual challenges here that concern us. TXTA did work to remove an amendment to a measure that passed in HB 2508. It would have prevented what we were attempting to strengthen by restricting cargo from being released to motor carriers.





# ✘ Bills Not Passed

TXTA and SMA members with Texas  
Lieutenant Governor Dan Patrick during the  
2017 Trucking & Moving Day at the Texas Capitol



## Impacting Our Industry

### **SB 1588/HB 3995 Would Have Eliminated Vehicle Inspection Program in Texas**

During the mid 1970s, 31 states administered safety inspection programs, but by 2018 there will only be 15 states with passenger vehicle inspection programs since the federal government ended the program in 1976. These states have reported no correlation between the presence of state-mandated passenger vehicle safety inspection programs and any benefit to road safety.

For additional summaries, statistics and information related to the 85th Texas Legislative Session and other past sessions please visit the Legislative Reference Library of Texas at [www.lrl.texas.gov/sessions/sessionYears.cfm](http://www.lrl.texas.gov/sessions/sessionYears.cfm)

