

CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.27

The Texas Department of Motor Vehicles (department) adopts amendments to §217.27, Vehicle Registration Insignia, without changes to the proposed text as published in the April 3, 2015, issue of the *Texas Register* (40 TexReg 1963). The amended section will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The amendments to §217.27 implement House Bill 2305, 83rd Legislature, Regular Session, 2013, regarding registration-based enforcement of motor vehicle inspection requirements under Transportation Code, Chapter 548.

The amendments to §217.27 are for those motor vehicle dealers that are required to apply for the registration of passenger cars and lights trucks in the name of the purchaser under Transportation Code, §501.0234. The amendments require these dealers to register the vehicle for 24 consecutive months if the vehicle received a two-year inspection under Transportation Code, §548.102.

COMMENTS

The department received a written comment from the Texas Automobile Dealers Association (TADA) in support of the amendments. TADA commented that the amendments allow consistency in the titling and registration process.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Chapter 502, Registration of Vehicles.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 502 and 548.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 219. OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

The Texas Department of Motor Vehicles (department) adopts amendments to Subchapter A: §219.1, Purpose and Scope; §219.2, Definitions; §219.3, Surety Bonds for Vehicles Transporting Recyclable Materials or Solid Waste; Subchapter B: §219.11, General Oversize/Overweight Permit Requirements

and Procedures; §219.12, Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D; §219.13, Time Permits; §219.14, Manufactured Housing, and Industrialized Housing and Building Permits; §219.15, Portable Building Unit Permits; §219.16, Permits for Military and Governmental Agencies; §219.17, Multi-state Permitting Agreements; Subchapter C: §219.30, Permits for Over Axle and Over Gross Weight Tolerances; Subchapter D: §219.41, General Requirements; §219.42, Single-Trip Mileage Permits; §219.43, Quarterly Hubometer Permits; §219.44, Annual Permits; §219.45, Permits for Vehicles Transporting Liquid Products Related to Oil Well Production; Subchapter E: §219.61, General Requirements for Permits for Oversize and Overweight Unladen Lift Equipment Motor Vehicles; §219.62, Single Trip Mileage Permits; §219.63, Quarterly Hubometer Permits; §219.64, Annual Permits; Subchapter F: §219.82, Falsification of Information on Application and Permit; and Subchapter H: §219.124, Administrative Proceedings; §219.125, Settlement Agreements; and §219.126, Administrative Penalty for False Information on Certificate by a Shipper. The amendments to §219.2, Definitions; §219.12, Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D; and §219.44, Annual Permits are adopted with changes to the proposed text as published in the March 6, 2015, issue of the *Texas Register* (40 TexReg 1026) and will be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Senate Bill 1420, 82nd Legislature, Regular Session, 2011, transferred certain functions related to oversize and overweight vehicles from the Texas Department of Transportation to the department.

Amendments throughout Chapter 219 reflect the transfer of these functions to the department, delete language that repeats the statutes, transfer language from certain graphics to the rules, and delete certain graphics. Amendments are also made throughout Chapter 219 to reflect changes in the law, to delete language that does not belong in an administrative rule, to clarify current requirements and procedures, and to revise terminology for consistency with other department rules and with current department practice. Further, nonsubstantive amendments are made to correct references to statutes and rules.

Additional amendments to §219.2 are adopted to add, delete, and modify certain definitions. Additionally, an amendment to §219.124(e) deletes the word "unappealable," so the language is consistent with Transportation Code, §643.2525. An amendment to §219.125 deletes subsection (c) regarding the revocation of the settlement agreement because the clause is unnecessary. According to §219.125(b), if the settlement agreement requires the payment of a penalty, the alleged violator must submit payment in an agreed amount before the agreement may be executed. In addition, if the settlement agreement involves the revocation, suspension, or denial of an oversize or overweight permit, the department activates the revocation, suspension, or denial.

The department amended the proposed published text of §219.2(75) to change "TXDOT" to "TxDOT" for consistency. The department also amended the proposed published text of §219.2(81) to replace the reference to §217.3(b) with a reference to Transportation Code, §501.032 and §501.033 because §217.3(b) does not address vehicle identification numbers. Because §219.2(75) includes an acronym for the Texas Department of Transportation, the department deleted the full name of the state agency from §219.12(b)(9) as published. Finally,

the department added the following clause to the end of the first sentence in §219.44(a) because the clause was inadvertently omitted from the published proposed text: "of this title (relating to General Requirements)."

COMMENTS

No comments on the proposed amendments were received.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §§219.1 - 219.3

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 621, 622, and 623.

§219.2. Definitions.

The following words and terms, when used in this chapter, will have the following meanings, unless the context clearly indicates otherwise.

- (1) Annual permit--A permit that authorizes movement of an oversize and/or overweight load for one year commencing with the "movement to begin" date.
- (2) Applicant--Any person, firm, or corporation requesting a permit.
- (3) Axle--The common axis of rotation of one or more wheels whether power-driven or freely rotating, and whether in one or more segments.
- (4) Axle group--An assemblage of two or more consecutive axles, with two or more wheels per axle, spaced at least 40 inches from center of axle to center of axle, equipped with a weight-equalizing suspension system that will not allow more than a 10% weight difference between any two axles in the group.
- (5) Board--The Board of the Texas Department of Motor Vehicles.
- (6) Cash collection office--An office that has been designated as the place where a permit applicant can apply for a permit or pay for a permit with cash, cashier's check, personal or business check, or money order.
- (7) Closeout--The procedure used by the department to terminate a permit, issued under Transportation Code, §623.142 or §623.192 that will not be renewed by the applicant.
- (8) Complete identification number--A unique and distinguishing number assigned to equipment or a commodity for purposes of identification.
- (9) Concrete pump truck--A self-propelled vehicle designed to pump the concrete product from a ready mix truck to the point of construction.
- (10) Crane--Any unladen lift equipment motor vehicle designed for the sole purpose of raising, shifting, or lowering heavy

weights by means of a projecting, swinging mast with an engine for power on a chassis permanently constructed or assembled for such purpose.

- (11) Credit card--A credit card approved by the department and a permit account card.
- (12) Daylight--The period beginning one-half hour before sunrise and ending one-half hour after sunset.
- (13) Department--The Texas Department of Motor Vehicles.
- (14) Digital signature--An electronic identifier intended by the person using it to have the same force and effect as a manual signature. The digital signature shall be unique to the person using it.
- (15) Director--The Executive Director of the Texas Department of Motor Vehicles or a designee not below the level of division director.
- (16) District--One of the 25 geographical areas, managed by a district engineer of the Texas Department of Transportation, in which the Texas Department of Transportation conducts its primary work activities.
- (17) District engineer--The chief executive officer in charge of a district of the Texas Department of Transportation.
- (18) Electronic identifier--A unique identifier which is distinctive to the person using it, is independently verifiable, is under the sole control of the person using it, and is transmitted in a manner that makes it infeasible to change the data in the communication or digital signature without invalidating the digital signature.
- (19) Escort vehicle--A motor vehicle used to warn traffic of the presence of a permitted vehicle.
- (20) Four-axle group--Any four consecutive axles, having at least 40 inches from center of axle to center of axle, whose extreme centers are not more than 192 inches apart and are individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension system.
- (21) Gauge--The transverse spacing distance between tires on an axle, expressed in feet and measured to the nearest inch, from center-of-tire to center-of-tire on an axle equipped with only two tires, or measured to the nearest inch from the center of the dual wheels on one side of the axle to the center of the dual wheels on the opposite side of the axle.
- (22) Gross weight--The unladen weight of a vehicle or combination of vehicles plus the weight of the load being transported.
- (23) Height pole--A device made of a non-conductive material, used to measure the height of overhead obstructions.
- (24) Highway maintenance fee--A fee established by Transportation Code, §623.077, based on gross weight, and paid by the permittee when the permit is issued.
- (25) Highway use factor--A mileage reduction figure used in the calculation of a permit fee for a permit issued under Transportation Code, §623.142 and §623.192.
- (26) Hubometer--A mechanical device attached to an axle on a unit or a crane for recording mileage traveled.
- (27) HUD number--A unique number assigned to a manufactured home by the U.S. Department of Housing and Urban Development.

(28) Indirect cost share--A prorated share of administering department activities, other than the direct cost of the activities, including the cost of providing statewide support services.

(29) Load-restricted bridge--A bridge that is restricted by the Texas Department of Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the maximum amount allowed by Transportation Code, §621.101.

(30) Load-restricted road--A road that is restricted by the Texas Department of Transportation, under the provisions of Transportation Code, §621.102, to a weight limit less than the maximum amount allowed by Transportation Code, §621.101.

(31) Machinery plate--A license plate issued under Transportation Code, §502.146.

(32) Manufactured home--Manufactured housing, as defined in Occupations Code, Chapter 1201, and industrialized housing and buildings, as defined in Occupations Code, §1202.002, and temporary chassis systems, and returnable undercarriages used for the transportation of manufactured housing and industrialized housing and buildings, and a transportable section which is transported on a chassis system or returnable undercarriage that is constructed so that it cannot, without dismantling or destruction, be transported within legal size limits for motor vehicles.

(33) Motor carrier--A person that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a public highway in this state, as defined in Chapter 218 of this title (relating to Motor Carriers).

(34) Motor carrier registration (MCR)--The registration issued by the department to motor carriers moving intrastate, under authority of Transportation Code, Chapter 643 as amended.

(35) Nighttime--The period beginning one-half hour after sunset and ending one-half hour before sunrise, as defined by Transportation Code, §541.401.

(36) Nondivisible load--A load that cannot be reduced to a smaller dimension without compromising the integrity of the load or requiring more than eight hours of work using appropriate equipment to dismantle.

(37) Oil field rig-up truck--An unladen vehicle with an overweight single steering axle, equipped with a winch and set of gin poles used for lifting, erecting, and moving oil well equipment and machinery.

(38) Oil well servicing unit--An oil well clean-out unit, oil well drilling unit, or oil well swabbing unit, which is mobile equipment, either self-propelled or trailer-mounted, constructed as a machine used solely for cleaning-out, drilling, servicing, or swabbing oil wells, and consisting in general of, but not limited to, a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for this purpose.

(39) One trip registration--Temporary vehicle registration issued under Transportation Code, §502.095.

(40) Overdimension load--A vehicle, combination of vehicles, or vehicle and its load that exceeds maximum legal width, height, length, overhang, or weight as set forth by Transportation Code, Chapter 621, Subchapters B and C.

(41) Overhang--The portion of a load extending beyond the front or rear of a vehicle or combination of vehicles.

(42) Overheight--An overdimension load that exceeds the maximum height specified in Transportation Code, §621.207.

(43) Overlength--An overdimension load that exceeds the maximum length specified in Transportation Code, §§621.203, 621.204, 621.205, and 621.206.

(44) Overweight--An overdimension load that exceeds the maximum weight specified in Transportation Code, §621.101.

(45) Overwidth--An overdimension load that exceeds the maximum width specified in Transportation Code, §621.201.

(46) Permit--Authority for the movement of an overdimension load, issued by the department under Transportation Code, Chapter 623.

(47) Permit account card (PAC)--A debit card that can only be used to purchase a permit or temporary vehicle registration and which is issued by a financial institution that is under contract to the department and the Comptroller of Public Accounts.

(48) Permit officer--An employee of the department who is authorized to issue an oversize/overweight permit or temporary vehicle registration.

(49) Permit plate--A license plate issued under Transportation Code, §502.146, to a crane or an oil well servicing vehicle.

(50) Permitted vehicle--A vehicle, combination of vehicles, or vehicle and its load operating under the provisions of a permit.

(51) Permittee--Any person, firm, or corporation that is issued an oversize/overweight permit or temporary vehicle registration by the department.

(52) Pipe box--A container specifically constructed to safely transport and handle oil field drill pipe and drill collars.

(53) Portable building compatible cargo--Cargo, other than a portable building unit, that is manufactured, assembled, or distributed by a portable building unit manufacturer and is transported in combination with a portable building unit.

(54) Portable building unit--The pre-fabricated structural and other components incorporated and delivered by the manufacturer as a complete inspected unit with a distinct serial number whether in fully assembled, partially assembled, or kit (unassembled) configuration when loaded for transport.

(55) Principal--The person, firm, or corporation that is insured by a surety bond company.

(56) Recyclable materials--Material that has been recovered or diverted from the solid waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products which may otherwise be produced using raw or virgin materials. Recycled material is not solid waste unless the material is deemed to be hazardous solid waste by the Administrator of the United States Environmental Protection Agency, whereupon it shall be regulated accordingly unless it is otherwise exempted in whole or in part from regulation under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), by Environmental Protection Agency regulation. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.

(57) Shipper--Person who consigns the movement of a shipment.

(58) Shipper's certificate of weight--A form approved by the department in which the shipper certifies to the maximum weight of the shipment being transported.

(59) Single axle--An assembly of two or more wheels whose centers are in one transverse vertical plane or may be included between two parallel transverse planes 40 inches apart extending across the full width of the vehicle.

(60) Single-trip permit--A permit issued for an overdimension load for a single continuous movement over a specific route for an amount of time necessary to make the movement.

(61) State highway--A highway or road under the jurisdiction of the Texas Department of Transportation.

(62) State highway system--A network of roads and highways as defined by Transportation Code, §221.001.

(63) Surety bond--An agreement issued by a surety bond company to a principal that pledges to compensate the Texas Department of Transportation for any damage that might be sustained to the highways and bridges by virtue of the operation of the equipment for which a permit was issued. A surety bond is effective the day it is issued and expires at the end of the state fiscal year, which is August 31st. For example, if you obtain a surety bond on August 30th, it will expire the next day at midnight.

(64) Tare weight--The empty weight of any vehicle transporting an overdimension load.

(65) Temporary vehicle registration--A 72-hour temporary vehicle registration, 144-hour temporary vehicle registration, or one-trip registration, as defined by Transportation Code, §502.094.

(66) Three-axle group--Any three consecutive axles, having at least 40 inches from center of axle to center of axle, whose extreme centers are not more than 144 inches apart, and are individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension system.

(67) Time permit--A permit issued for a specified period of time under §219.13 of this title (relating to Time Permits).

(68) Traffic control device--All traffic signals, signs, and markings, including their supports, used to regulate, warn, or control traffic.

(69) Trailer mounted unit--An oil well clean-out, drilling, servicing, or swabbing unit mounted on a trailer, constructed as a machine used for cleaning out, drilling, servicing, or swabbing oil wells, and consisting in general of, but not limited to, a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for this purpose.

(70) Truck--A motor vehicle designed, used, or maintained primarily for the transportation of property.

(71) Truck-tractor--A motor vehicle designed or used primarily for drawing another vehicle:

(A) that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or

(B) that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

(72) Trunnion axle--Two individual axles mounted in the same transverse plane, with four tires on each axle, that are connected to a pivoting wrist pin that allows each individual axle to oscillate in a vertical plane to provide for constant and equal weight distribution on each individual axle at all times during movement.

(73) Trunnion axle group--Two or more consecutive trunnion axles whose centers are at least 40 inches apart and which are

individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension system.

(74) Two-axle group--Any two consecutive axles whose centers are at least 40 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, to the vehicle by a weight equalizing suspension system.

(75) TxDOT--Texas Department of Transportation.

(76) Unit--Oil well clean-out unit, oil well drilling unit, oil well servicing unit, and/or oil well swabbing unit.

(77) Unladen lift equipment motor vehicle--A motor vehicle designed for use as lift equipment used solely to raise, shift, or lower heavy weights by means of a projecting, swinging mast with an engine for power on a chassis permanently constructed or assembled for such purpose.

(78) USDOT Number--The United States Department of Transportation number.

(79) Variable load suspension axles--Axles, whose controls must be located outside of and be inaccessible from the driver's compartment, that can be regulated, through the use of hydraulic and air suspension systems, mechanical systems, or a combination of these systems, for the purpose of adding or decreasing the amount of weight to be carried by each axle during the movement of the vehicle.

(80) Vehicle--Every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks.

(81) Vehicle identification number--A unique and distinguishing number assigned to a vehicle by the manufacturer or by the department in accordance with Transportation Code, §501.032 and §501.033.

(82) Vehicle supervision fee--A fee required by Transportation Code, §623.078, paid by the permittee to the department, designed to recover the direct cost of providing safe transportation of a permit load exceeding 200,000 pounds gross weight over a state highway, including the cost for bridge structural analysis, monitoring the progress of the trip, and moving and replacing traffic control devices.

(83) Water Well Drilling Machinery--Machinery used exclusively for the purpose of drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or chassis.

(84) Weight-equalizing suspension system--An arrangement of parts designed to attach two or more consecutive axles to the frame of a vehicle in a manner that will equalize the load between the axles.

(85) Windshield sticker--Identifying insignia indicating that an over axle/over gross weight tolerance permit has been issued in accordance with Subchapter C of this chapter and Transportation Code, §623.011.

(86) Year--A time period consisting of 12 consecutive months that commences with the "movement to begin" date stated in the permit.

(87) 72-hour temporary vehicle registration--Temporary vehicle registration issued by the department authorizing a vehicle to operate at maximum legal weight on a state highway for a period not longer than 72 consecutive hours, as prescribed by Transportation Code, §502.094.

(88) 144-hour temporary vehicle registration--Temporary vehicle registration issued by the department authorizing a vehicle to

operate at maximum legal weight on a state highway for a period not longer than 144 consecutive hours, as prescribed by Transportation Code, §502.094.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 465-5665



SUBCHAPTER B. GENERAL PERMITS

43 TAC §§219.11 - 219.17

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 621, 622, and 623.

§219.12. *Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D.*

(a) General. The information in this section applies to single-trip permits issued under Transportation Code, Chapter 623, Subchapter D. The department will issue permits under this section in accordance with the requirements of §219.11 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

(b) Overweight loads.

(1) The maximum weight limits for an overweight permit are specified in §219.11(d).

(2) The applicant shall pay, in addition to the single-trip permit fee of \$60, the applicable highway maintenance fee.

(3) The applicant must also pay the vehicle supervision fee (VSF) for a permit issued for an overweight vehicle and load exceeding 200,000 pounds gross weight.

(A) The VSF is \$35 if:

(i) the vehicle and load do not exceed 254,300 pounds gross weight;

(ii) there is at least 95 feet of overall axle spacing; and

(iii) the vehicle and load do not exceed maximum permit weight on any axle or axle group, as described in §219.11(d).

(B) The VSF is \$500 if:

(i) there is less than 95 feet of overall axle spacing;

(ii) the vehicle and load exceed maximum permit weight on any axle or axle group, as described in §219.11(d); or

(iii) the vehicle and load exceed 254,300 pounds gross weight. However, for a vehicle and load described in this subparagraph, the VSF is reduced from \$500 to \$100 if no bridges are crossed, and the VSF is reduced from \$500 to \$35 for an additional identical load that is to be moved over the same route within 30 days of the movement date of the original permit.

(C) An applicant must pay the VSF at the time of permit application in order to offset department costs for analyses performed in advance of issuing the permit. A request for cancellation must be in writing and received by the department prior to collection of the structural information associated with the permit application. If the application is canceled, the department will return the vehicle supervision fee.

(4) An applicant applying for a permit to move a load that is required for the fulfillment of a fixed price public works contract that was entered into prior to the effective date of this section, and administered by federal, state, or local governmental entities, will not be required to pay the vehicle supervision fee, provided the applicant presents proof of the contract to the department prior to permit issuance.

(5) When the department has determined that a permit can be issued for an overdimension load exceeding 200,000 pounds gross weight, all remaining fees are due at the time the permit is issued.

(6) The department will not charge an analysis fee for single and multiple box culverts.

(7) An applicant requesting a permit to move an overdimension load that is between 200,001 and 254,300 pounds total with less than 95 feet overall axle spacing, or is over the maximum permitted weight on any axle or axle group, or is over 254,300 pounds gross weight, or the weight limits described in §219.11(d), must submit the following items to the department to determine if the permit can be issued:

(A) a detailed loading diagram which indicates the number of axles, the number of tires on each axle, the tire size on each axle, the distance between each axle, the tare and gross weight on each axle, the transverse spacing of each set of dual wheels, the distance between each set of dual wheels, the load's center of gravity, the distance from the center of gravity to the center of the front bolster, the distance from the center of gravity to the center of the rear bolster, the distance from the center of the front bolster to the center of the fifth wheel of the truck, the distance from the center of the rear bolster to the center of the closest axle, and any other measurements as may be needed to verify that the weight of the overdimension load is adequately distributed among the various axle groups in the amounts indicated by the loading diagram;

(B) a map indicating the exact beginning and ending points relative to a state highway;

(C) a copy of the signed contract indicating that the applicant has been retained to transport the shipment;

(D) the vehicle supervision fee as specified in paragraph (3) of this subsection; and

(E) the name, phone number, and fax number of the applicant's licensed professional engineer who has been approved by the department.

(8) The department will select a tentative route based on the physical size of the overdimension load excluding the weight. The tentative route must be investigated by the applicant, and the department

must be advised, in writing, that the route is capable of accommodating the overdimension load.

(9) Before the permit is issued, the applicant's TxDOT approved licensed professional engineer shall submit to the department and TxDOT a written certification that includes a detailed structural analysis of the bridges on the proposed route demonstrating that the bridges and culverts on the travel route are capable of sustaining the load. The certification must be approved by TxDOT and submitted to the department before the permit will be issued.

(10) A permit may be issued for the movement of oversize and overweight self-propelled off road equipment under the following guidelines.

(A) The weight per inch of tire width must not exceed 650 pounds.

(B) The rim diameter of each wheel must be a minimum of 25 inches.

(C) The maximum weight per axle must not exceed 45,000 pounds.

(D) The minimum spacing between axles, measured from center of axle to center of axle, must not be less than 12 feet.

(E) The equipment must be moved empty.

(F) The equipment must be licensed with a machinery license plate or a one trip registration.

(G) The route will not include any controlled access highway, unless an exception is granted based on a route and traffic study conducted by the department.

(c) Drill pipe and drill collars hauled in a pipe box.

(1) A vehicle or combination of vehicles may be issued a permit under Transportation Code, §623.071, to haul drill pipe and drill collars in a pipe box.

(2) The maximum width must not exceed nine feet.

(3) The axle weight limits must not exceed the maximum weight limits as specified in §219.11(d)(3).

(4) The height and length must not exceed the legal limits specified in Transportation Code, Chapter 621, Subchapter C.

(5) The permit will be issued for a single-trip only. For loads over 80,000 pounds, the applicant must pay the single-trip permit fee, in addition to the highway maintenance fee specified in Transportation Code, §623.077.

(6) The permit is valid only for travel on any farm-to-market and ranch-to-market road, and such road will be specified on the permit; however, the permitted vehicle will not be allowed to cross any load restricted bridge when exceeding the posted capacity of the bridge.

(7) Movement will be restricted to daylight hours only.

(d) Houses and storage tanks.

(1) Unless an exception is granted by the department, approval for the issuance of a permit for a house or storage tank exceeding 20 feet in width will reside with each district engineer, or the district engineer's designee, along the proposed route.

(2) The issuance of a permit for a house or storage tank exceeding 20 feet in width will be based on:

(A) the amount of inconvenience and hazard to the traveling public, based on traffic volume;

(B) highway geometrics and time of movement; and

(C) the overall width, measured to the nearest inch, of the house, including the eaves or porches.

(3) A storage tank must be empty.

(4) The proposed route must include the beginning and ending points on a state highway.

(5) A permit will not be issued for a newly constructed house or storage tank that exceeds 34 feet overall width unless an exception is granted by the department based on a route and traffic study.

(6) A permit will not be issued for the relocation of an existing house or storage tank that exceeds 40 feet overall width, unless an exception is granted by the department based on a route and traffic study.

(7) A permit may be issued for the movement of an overweight house provided:

(A) the applicant completes and submits to the department a copy of a diagram for moving overweight houses, as shown in Figure: 43 TAC §219.12(e) of this section;

(B) each support beam, parallel to the centerline of the highway, is equipped with an identical number of two axle groups which may be placed directly in line and across from the other corresponding two axle group or may be placed in a staggered offset arrangement to provide for proper weight distribution;

(C) that, when a support beam is equipped with two or more two axle groups, each two axle group is connected to a common mechanical or hydraulic system to ensure that each two axle group shares equally in the weight distribution at all times during the movement; and when the spacing between the two axle groups, measured from the center of the last axle of the front group to the center of the first axle of the following group, is eight feet or more, the front two axle group is equipped for self-steering in a manner that will guide or direct the axle group in turning movements without tire scrubbing or pavement scuffing; and

(D) the department conducts a detailed analysis of each structure on the proposed route and determines the load can be moved without damaging the roads and bridges.

(8) The department may waive the requirement that a loading diagram be submitted for the movement of an overweight house if the total weight of all axle groups located in the same transverse plane across the house does not exceed the maximum weight limits specified in §219.11(d)(2).

(e) Diagram for moving overweight houses. The following Figure: 43 TAC §219.12(e) indicates the type of diagram that is to be completed by the permit applicant for moving an overweight house. All measurements must be stated to the nearest inch. Figure: 43 TAC §219.12(e)

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER C. PERMITS FOR OVER AXLE AND OVER GROSS WEIGHT TOLERANCES

43 TAC §219.30

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 621, 622, and 623.

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SUBCHAPTER D. PERMITS FOR OVERSIZE AND OVERWEIGHT OIL WELL RELATED VEHICLES

43 TAC §§219.41 - 219.45

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapters 621, 622, and 623.

§219.44. *Annual Permits.*

(a) General information. Permits issued under this section are subject to the requirements of §219.41 of this title (relating to General Requirements).

(1) Annual self-propelled oil well servicing unit permits.

(A) A unit that does not exceed legal size and weight limits and is registered with a permit plate must purchase an annual permit issued under this section.

(B) The fee for an annual self-propelled oil well servicing unit permit is \$52 per axle. The indirect cost share is included in this fee.

(2) Annual oil field rig-up truck permits.

(A) An oil field rig-up truck permitted under this section must not exceed:

(i) legal height or length limits, as provided in Transportation Code, Chapter 621, Subchapter C;

(ii) 850 pounds per inch of tire width on the front axle;

(iii) 25,000 pounds on the front axle; or

(iv) legal weight on all other axes.

(B) An oil field rig-up truck, operating under an annual permit, must be registered in accordance with Transportation Code, Chapter 502.

(C) The annual permit fee for an oil field rig-up truck is \$52. The indirect cost share is included in this fee.

(D) An annual permit for an oil field rig-up truck allows the unit to travel at night, provided the unit does not exceed nine feet in width.

(3) A permit issued under this section may not be amended.

(4) A permit issued under this section allows travel on a statewide basis and on all state maintained highways.

(b) Permit application and issuance.

(1) Initial permit application. An applicant for an annual permit under this section must submit a completed application by telephone, facsimile, mail, or Internet. The application shall include, at a minimum, the following information:

(A) name and address of applicant;

(B) make and model of the unit;

(C) vehicle identification number of the unit;

(D) license plate number of the unit;

(E) size and weight dimensions; and

(F) any other information required by law.

(2) Permit issuance. Upon receipt of the application and the appropriate fees, the department will provide the permit to the applicant if requested, and will also provide a renewal application form to the applicant.

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SUBCHAPTER E. PERMITS FOR OVERSIZE AND OVERWEIGHT UNLADEN LIFT EQUIPMENT MOTOR VEHICLES

43 TAC §§219.61 - 219.64

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

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SUBCHAPTER F. COMPLIANCE

43 TAC §219.82

STATUTORY AUTHORITY

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623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

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SUBCHAPTER H. ENFORCEMENT

43 TAC §§219.124 - 219.126

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the Board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; and more specifically Transportation Code, §§621.008, 622.002, and 623.002, which authorize the Board of the Texas Department of Motor Vehicles to adopt rules that are necessary to implement and enforce Chapters 621, 622, and 623.

CROSS REFERENCE TO STATUTE

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