

**Office of the Governor**  
**Regulatory Compliance Division**  
**Rule Submission Memorandum**

To: Erin Bennett, Regulatory Compliance Division Director

From: Tracey Beaver, General Counsel

Date: August 24, 2020

Subject: 43 TAC § 219.11(f) and 43 TAC §209.23

The Texas Department of Motor Vehicles has proposed a rulemaking for 43 TAC § 219.11(f), as well as a conforming amendment to 43 TAC §209.23, in the August 21, 2020, issue of the *Texas Register*. The proposed rule affects market competition and is, thus, submitted to the Regulatory Compliance Division for review. The proposed rule, as it appeared in the *Texas Register* in its entirety, is attached to this memorandum.

To facilitate the Regulatory Compliance Division's review of the proposed rule, the Texas Department of Motor Vehicles provides answers to the following questions.

1. Briefly describe the proposed rule.

Proposed amendments to Section 219.11(f) eliminate both permit account cards (PAC) and escrow accounts (together referred to as "escrow accounts") as methods of payment for oversize or overweight permits in order to improve efficiency by encouraging the use of electronic payment methods and reducing the amount of transactions that department personnel must manually process or reconcile.

The proposed rule allows customers to continue using other payment methods to purchase the permits with no additional fees imposed by the department, including: payment by credit card, Automated Clearing House (ACH), check, money order, cashier's check, and cash. The customer is in the best position to make the business decision on which method of payment is most suitable and cost-effective for their business practices.

2. What is the purpose of the proposed rule?

Amendments to Title 43 TAC Section 219.11(f) are necessary to streamline department processes to improve program efficiency by eliminating two escrow account payment methods for customers that purchase oversize or overweight permits that require department personnel to manually process or reconcile.

3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking.

The department currently accepts the following methods of payment for oversize or overweight permits for online purchases of oversize or overweight permits through the Texas Permitting and Routing Optimization System (TxPROS): credit card, ACH, check, money order, cashier's check, cash, escrow accounts administered by the department, and the Permit Account Card (PAC), which is an escrow account administered by Frost Bank. A total of 30,529 customers purchased oversize or overweight permits in the last twelve months. In the last 14 months, only 317 customers purchased oversize or overweight permits using an escrow account that the department administers. In the last 14 months, only 225 customers purchased oversize or overweight permits using the PAC.

There is a \$5.00 administrative fee for each deposit to an escrow account that the department administers. Frost Bank charges \$1.00 per permit transaction for payments for permits using PACs, in addition to other [base service fees](#). Although the department proposes to remove two methods of payment for oversize or overweight permits, customers will continue to have alternative methods of payment, including methods that cost less than the methods the department proposes to remove.

4. Describe the legal authority for the proposed rule.
  - a. Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).

Transportation Code §1001.009 authorizes the board to adopt rules regarding the method of collection of a fee for any goods or services provided by the department.

- b. Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the rule is within the scope, and reference the applicable state statute(s).

Transportation Code §1001.009 authorizes the board to adopt rules regarding the method of collection of a fee for any goods or services provided by the department.

Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department under the Transportation Code.

Transportation Code §621.351 authorizes the department to establish one or more escrow accounts in the Texas Department of Motor Vehicles fund for the prepayment of a fee for an oversize or overweight permit issued by the department. The department is not required to establish or maintain the escrow accounts.

5. Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.

The Board of the Texas Department of Motor Vehicles considered the proposed rule in an open meeting, requested comments from stakeholders at the open meeting, and authorized the department to publish the proposed rule for public comment in the *Texas Register*.

6. Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm. If applicable, attach any documentation or records of the harm.

The proposed rule ensures customers will continue to have alternative methods of payment for permits without additional fees imposed by the department, including methods that cost less than the methods the department proposes to remove. Removing the escrow account payment methods for purchasing an oversize or overweight permit will improve department efficiency by encouraging the use of electronic payment methods and reducing the amount of transactions that department personnel must manually process or reconcile.

7. Summarize any less restrictive alternatives that the state agency identified for addressing the same harm, including a comparison of the proposed rule to the alternatives, and provide a justification for not pursuing a less restrictive alternative.

A less restrictive alternative was not identified. Customers will continue to have alternative methods of payment for permits without additional fees imposed by the department, including methods that cost less than the methods the department proposes to remove.

8. Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).

The rule affects market competition by both encouraging and reducing participation.

The proposed rule encourages market competition by allowing customers to use alternative methods of payment for permits without additional fees imposed by the department, including methods that cost less than the methods the department proposes to remove.

The proposed rule discourages use of escrow accounts by the department by requiring affected customers to use another payment method other than the two escrow payment methods the proposed rule proposes to remove. To the extent any customers currently use one of the two escrow payment methods, they will need to change their payment method if the proposed rule becomes effective.

- It creates a barrier to market participation in the state.
- It results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
- It both creates a barrier to market participation in the state and results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.

9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the Legislature in state statute.

Customers who have not previously used the escrow account payment methods are not impacted by the proposed rule. Customers who currently use the escrow account payment methods will have to use a different payment method. However, the alternative methods of payment for permits include methods that cost less than the methods the department proposes to remove.

The proposed rule is consistent with state policy as established by the legislature in Transportation Code §1001.009, which authorizes the board to adopt rules regarding the method of collection of a fee for any goods or services provided by the department. The proposed rule is consistent with state policy established by the legislature in Transportation Code §621.351, which authorizes, but does not require, the department to establish one or more escrow accounts in the Texas Department of Motor Vehicles fund for the prepayment of a fee for an oversize or overweight permit issued by the department.

10. Did the state agency self-determine that the proposed rule affects market competition or did the Regulatory Compliance Division identify the proposed rule as possibly affecting market competition?

The department self-determined that the proposed rule affects market competition.

11. Does the proposed rule relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?

The proposed rule does not relate to a question that is the subject of an opinion request pending before the Office of the Attorney General or to an opinion previously issued by the Office of the Attorney General.

12. Does the proposed rule relate to a matter on which there is pending litigation?

The proposed rule does not relate to a matter on which there is pending litigation.

13. Is there anything else that you would like the Regulatory Compliance Division to know about the proposed rule?

The department has attached a copy of the proposed rule.

Sincerely,



Tracey Beaver  
General Counsel  
Texas Department of Motor Vehicles

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Linda M. Flores, Chief Financial Officer, has determined that for each year of the first five years the amendment will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Jimmy Archer, Director of the Motor Carrier Division, has determined that there will be no measurable effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Mr. Archer has also determined that, for each year of the first five years the amended section is in effect, there is an anticipated public benefit because the amendment conforms §209.23 to proposed amendments to §219.11. Mr. Archer also anticipates that regulated persons will incur no additional costs to comply with the proposed rule because the amendment conforms §209.23 to the proposed amendments in §219.11.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by Government Code §2006.002, the department has determined that the proposed amendment will not have an adverse economic effect on small businesses, micro-business, and rural communities because it conforms §209.23 to the proposed amendments in §219.11 and does not add additional requirements to regulated persons. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that each year of the first five years the proposed amendment is in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the department;
- will not require an increase or decrease in fees paid to the department;
- will not create new regulations;
- will not expand existing regulations;
- will repeal existing regulations to conform with §219.11;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

REQUEST FOR PUBLIC COMMENT. If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September 21, 2020. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to [rules@txdmv.gov](mailto:rules@txdmv.gov) or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.



## CHAPTER 209. FINANCE

### SUBCHAPTER B. PAYMENT OF FEES FOR DEPARTMENT GOODS AND SERVICES

#### 43 TAC §209.23

INTRODUCTION. The Texas Department of Motor Vehicles (the department) proposes an amendment to Title 43 TAC §209.23, concerning payment of fees for department goods and services. The amendment is necessary to conform §209.23 to proposed amendments to Title 43 TAC §219.11, which is also proposed in this issue of the *Texas Register*.

EXPLANATION. The proposed amendment to §209.23 is necessary to remove unnecessary citations to statutes and to conform §209.23 to proposed amendments to Title 43 TAC §219.11, which is also proposed in this issue of the *Texas Register*. Amendments to §219.11(f)(1)(A) and (B) are proposed to remove two escrow account payment methods for purchasing oversize/overweight permits in order to streamline department processes to improve program efficiency.

The proposed amendment to §209.23 deletes most of the language regarding the use of escrow accounts, including use of permit account cards for payment for oversize overweight vehicle permits. The amendment removes unnecessary citations to statutes and conforms §209.23 to the proposed amendments to §219.11(f)(1)(A) and (B), which remove escrow accounts as an acceptable payment method for oversize/overweight permits.

STATUTORY AUTHORITY. The department proposes an amendment to §209.23 under Transportation Code §1001.009 and §1002.001.

--Transportation Code §1001.009 authorizes the Board of the Texas Department of Motor Vehicles (board) to adopt rules regarding the method of collection of a fee for any goods or services provided by the department.

--Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department under the Transportation Code.

CROSS REFERENCE TO STATUTE. Transportation Code Chapters 502, 621, 622, 623, 643, and 645.

§209.23. *Methods of Payment.*

(a) All fees for department goods and services and any fees required in the administration of any department program shall be paid to the department with a method of payment accepted by the department at the point of sale, which may be:

(1) a valid debit or credit card, approved by the department, and issued by a financial institution chartered by a state or the United States, or a nationally recognized credit organization;

(2) electronic funds transfer;

(3) a personal check, business check, cashier's check, or money order, payable to the Texas Department of Motor Vehicles, except that a personal or business check is not an acceptable method of payment of fees under Transportation Code, §502.094;

(4) cash in United States currency, paid in person; or

(5) by an escrow account, established with the department for the specific purpose of paying fees [~~required by Transportation Code, Chapters 502, 621, 622, 623, 643, or 645. Use of an escrow account includes use of a Permit Account Card (PAC) for payment of Oversize/Overweight vehicle permit fees, as authorized by §219.11(f)(1)(A) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures)].~~

(b) Persons paying the department by credit card or Automated Clearing House (ACH) shall pay any applicable service charge per transaction.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 7, 2020.

TRD-202003209

Tracey Beaver

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: September 20, 2020

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



Transportation Code §547.305(f)(1) defines an "escort flag vehicle" as a vehicle that precedes or follows an oversize or overweight vehicle to facilitate the safe movement of the oversize or overweight vehicle over roads. To implement HB 61, the term, "escort vehicle" is changed to the term "escort flag vehicle" throughout Title 43 TAC Chapter 219.

Transportation Code §547.305(e-3) is permissive, allowing escort flag vehicles to be equipped with alternating or flashing blue and amber lights. Transportation Code §623.099(c)(1) already requires that escort flag vehicles have two lights flashing simultaneously or one rotating amber beacon of not less than eight inches when escorting a manufactured house. Transportation Code §623.129 already requires that escort flag vehicles have two lights flashing simultaneously or one rotating amber beacon of not less than eight inches when escorting a portable building and compatible cargo because the requirements under Transportation Code §623.099 apply to the movement of these vehicles.

Transportation Code §623.008(b) allows the department to require a person operating under a permit issued under the subtitle to use one or more escort flag vehicles if required by the Texas Department of Transportation or for the safe movement over roads of an oversize or overweight vehicle. Transportation Code §547.305(e-3) adds that the flashing lights for an escort flag vehicle may be alternating flashing blue and amber lights, and it controls under Government Code §311.025(a) to the extent of a conflict with §623.099 because §547.305(e-3) is the latest legislative enactment.

Proposed amendments to §219.2 add the word "flag" to the term "escort vehicle" to define "escort flag vehicle" as a vehicle that precedes or follows an oversize or overweight vehicle to facilitate the safe movement of the oversize or overweight vehicle over roads. This change is necessary to track the statutory language in Transportation Code §547.305(f)(1) and clarify the use of the term throughout Title 43 TAC Chapter 219. Proposed amendments to §219.2 delete the term "permit account card" and renumber the remaining definitions because the department is proposing to eliminate this form of payment for an oversize or overweight permit.

Proposed amendments throughout §219.11 add the word "flag" to the term "escort vehicle" to conform to the definition of the term "escort flag vehicle" under Transportation Code §547.305(f)(1). Proposed amendment to §219.11(k)(7)(B) track the statutory language in Transportation Code §547.305, which permits an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.

Proposed amendments to §219.15(f)(3)(C) track the statutory language in Transportation Code §547.305, which permits an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.

Proposed amendments to §§219.13-219.15, 219.42, 219.43, 219.61-219.63 add the word "flag" to the term "escort vehicle" to clarify that the use of the term throughout the chapter is as defined under proposed amended §219.2 regarding an "escort flag vehicle."

Proposed amendments to §219.11(f) eliminate both permit account cards and escrow accounts (together referred to as "escrow accounts") as methods of payment for oversize or overweight permits.



## CHAPTER 219. OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

**INTRODUCTION.** The Texas Department of Motor Vehicles (department) proposes amendments to Title 43 TAC §§219.2, 219.11, 219.13 - 219.15, 219.42, 219.43, and 219.61 - 219.63, concerning: 1) payment methods for oversize or overweight permits to streamline department processes; and 2) escort flag vehicles to conform the rules to Transportation Code §547.305(e-3) and (f)(1), as added by House Bill (HB) 61, 86th Legislature, Regular Session (2019).

**EXPLANATION.** Amendments to Title 43 TAC Subchapters A, B, D, and E are necessary to conform the rules to HB 61, 86th Legislature, Regular Session (2019). House Bill 61 added a new definition for "escort flag vehicle" under Transportation Code §547.305 and provided the operator of an escort flag vehicle with the option of equipping the escort flag vehicle with alternating or flashing blue and amber lights.

Amendments to Title 43 TAC §219.11(f) are necessary to streamline department processes to improve program efficiency by eliminating two escrow account payment methods for customers that purchase oversize or overweight permits. One of the escrow account payment methods requires department personnel to manually process payments, and the second escrow account payment method requires department personnel to reconcile the payment records.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Linda M. Flores, Chief Financial Officer, has determined that for each year of the first five years the amendments will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. The proposal does not add to or decrease state revenues or expenditures, and local governments are not involved in enforcing or complying with the proposed rule. Jimmy Archer, Director of the Motor Carrier Division, does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. Mr. Archer has also determined that, for each year of the first five years the amended sections are in effect, there are anticipated public benefits.

Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include conforming the rules to existing law under to Transportation Code §547.305(e-3) and (f)(1). The public benefits of removing the escrow account payment methods for purchasing an oversize or overweight permit include improved efficiency by encouraging the use of electronic payment methods and reducing the amount of transactions that department personnel must manually process or reconcile.

Anticipated Costs To Comply With the Proposal. Mr. Archer anticipates that regulated entities will not incur costs as a result of the proposed rules.

The proposed amendments do not directly impose any fees for using the following payment methods: credit card, Automatic Clearing House (ACH), check, money order, cashier's check, and cash. The cost, if any, in this proposal is the difference between using an escrow account and another authorized method of payment.

Each payment method may result in an indirect cost to a customer from the customer's third-party vendor (such as the bank's fee for a cashier's check), or it may result in a direct cost to a customer if a customer pays in cash by traveling to one of the department's Regional Service Centers to pay.

The department anticipates that the customer will have the information necessary to determine as a business decision its own costs and the customer's business needs. Because the department does not impose additional fees, the customer will be in the best place to determine the most efficient way to pay for an oversize or overweight permit.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by Government Code, §2006.002, the department has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-business, and rural communities because the proposed amendments conform Title 43 TAC Chapter 219, Subchapters A, B, D, and E to Transportation Code §547.305(e-3) and (f)(1) and do not add additional requirements to regulated persons. Although the department proposes to remove two methods of payment for oversize or overweight permits, customers will continue to have alternative methods of payment, including methods that cost less than the methods the department proposes to remove.

The department currently accepts the following methods of payment for oversize or overweight permits for online purchases through the Texas Permitting and Routing Optimization System (TxPROS): credit card, ACH, check, money order, cashier's check, cash, escrow accounts administered by the department,

and the Permit Account Card (PAC), which is an escrow account administered by Frost Bank. The department currently accepts these same methods of payment, except for the ACH, for purchases of oversize or overweight permits by non-online methods, such as applications submitted by facsimile.

To determine whether the proposed removal of the two escrow methods of payment would have an adverse economic effect on small businesses, the department analyzed the total direct and indirect costs to a customer to buy one of three different permits using the current methods of payment. For the purposes of this analysis, the department excluded any setup fees or monthly service or maintenance fees charged by the third-party service providers, as well as the requirement for a customer to make an initial deposit of \$305 with the department to set up an escrow account that the department administers under §219.11(f). Setup fees and monthly service or maintenance fees varied too much, based on the type of account or how much money a customer has in their account. Also, the Elavon fees vary by contract. Some banks waive monthly service or maintenance fees, based on the type of account. The department assumed that the customers who pay by check already have a checking account and that they use the checking account to write checks for other purchases, so the department did not factor in the cost for buying printed checks. The department also assumed that the average customer must drive 20 miles to pick up a money order or cashier's check, and that the average customer must drive 50 miles to the closest Regional Service Center if they want to pay by cash. For mileage costs, the department used the state's automobile mileage reimbursement rate of \$0.57.5 per mile, which amounts to \$11.50 for 20 miles and \$28.75 for 50 miles. For purposes of this analysis, the department chose the cheapest oversize or overweight permit, the most expensive oversize or overweight permit, and one of the most commonly purchased oversize or overweight permits.

Figure: 43 TAC Chapter 219 - Preamble

The department determined that there will not be an adverse economic effect on small or micro-businesses as a result of the enforcement or administration of amendments to §219.11(f). A total of 30,529 customers purchased oversize and/or overweight permits in the last twelve months. The department was unable to obtain information regarding the number of customers affected by this proposal that qualify as a small business or a micro-business under Government Code 2006.002. However, out of 30,529 customers who purchased oversize and/or overweight permits in the last twelve months, the department estimates that a majority of them are small or micro-businesses that may be affected by this proposal. Also, in the last 14 months, only 317 customers purchased oversize or overweight permits using an escrow account that the department administers. In the last 14 months, only 225 customers purchased oversize or overweight permits using the PAC. The cost of compliance will not vary between large businesses and small or micro-businesses. As demonstrated in the calculations above, customers will continue to have methods of payment that are cheaper than the two methods of payment that the department proposes to remove.

The objective of this proposal is to enable more department transactions to be done electronically, which should make the program more efficient. The proposal removes two oversize or overweight permit escrow account payment methods that require physical handling by the department. Although Frost Bank administers the PAC escrow accounts, the department's staff must engage in a month-end reconciliation process for

payments made by PAC. The proposal allows customers to continue using other payment methods to purchase the permits with no additional fees imposed by the department, including: payment by credit card, ACH, check, money order, cashier's check, and cash. The customer is in the best position to make the business decision to determine which method of payment is most suitable and cost-effective for their business practices.

The department balanced the needs of providing cost-effective payment options for customers with the goal of improving program efficiency by having more transactions processed electronically. The department determined that due to the other available payment options, terminating escrow accounts will improve program efficiency.

The department determined that the proposal will not have an adverse economic effect on rural communities because the department does not charge municipalities for oversize or overweight permits. As a result, and in accordance with Government Code §2006.002(c), it is not necessary for the department to address rural communities in its regulatory flexibility analysis.

**TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the first five years the proposed amendments are in effect, the proposed amendments:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the department;
- will not require an increase or decrease in fees paid to the department;
- will not create new regulations;
- will not expand existing regulations;
- will repeal existing regulations;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

**REQUEST FOR PUBLIC COMMENT.**

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September 21, 2020. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to [rules@txdmv.gov](mailto:rules@txdmv.gov) or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

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## SUBCHAPTER B. GENERAL PERMITS

### 43 TAC §§219.11, 219.13 - 219.15

STATUTORY AUTHORITY. The department proposes amendments under Transportation Code §§623.002, 1001.009, and 1002.001.

- Transportation Code §632.002 authorizes the board of the Texas Department of Motor Vehicles (board) to adopt rules as necessary to implement Transportation Code Chapter 623.

- Transportation Code §1001.009 authorizes the board to adopt rules regarding the method of collection of a fee for any goods or services provided by the department.

- Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department under the Transportation Code.

CROSS REFERENCE TO STATUTE. Transportation Code §547.305, Chapter 621, and Chapter 623.

*§219.11. General Oversize/Overweight Permit Requirements and Procedures.*

(a) Purpose and scope. This section contains general requirements relating to oversize/overweight permits, including single-trip permits. Specific requirements for each type of specialty permit are provided for in this chapter.

(b) Prerequisites to obtaining an oversize/overweight permit. Unless exempted by law or this chapter, the following requirements must be met prior to the issuance of an oversize/overweight permit.

(1) Commercial motor carrier registration or surety bond. Prior to obtaining an oversize/overweight permit, an applicant permitted under the provisions of Transportation Code, Chapter 623, Subchapter D, must be registered as a commercial motor carrier under Chapter 218 of this title (relating to Motor Carriers) or, if not required to obtain a motor carrier registration, file a surety bond with the department as described in subsection (n) of this section.

(2) Vehicle registration. A vehicle registered with a permit plate will not be issued an oversize/overweight permit under this subchapter. A permitted vehicle operating under this subchapter must be registered with one of the following types of vehicle registration:

(A) current Texas license plates that indicate the permitted vehicle is registered for maximum legal gross weight or the maximum weight the vehicle can transport;

(B) Texas temporary vehicle registration;

(C) current out of state license plates that are apportioned for travel in Texas; or

(D) foreign commercial vehicles registered under Texas annual registration.

(c) Permit application.

(1) An application for a permit shall be made in a form and by the method prescribed by the department, and at a minimum shall include the following:

- (A) name, address, telephone number, and email address (if requested) of the applicant;
- (B) applicant's customer identification number;
- (C) applicant's MCR number or USDOT Number, if applicable;
- (D) complete load description, including maximum width, height, length, overhang, and gross weight;
- (E) complete description of vehicle, including truck year, make, license plate number and state of issuance, and vehicle identification number, if required;
- (F) vehicle axle and tire information including number of axles, distance between axles, axle weights, number of tires, and tire size for overweight permit applications; and
- (G) any other information required by law.

(2) Applications transmitted electronically are considered signed if a digital signature is transmitted with the application and intended by the applicant to authenticate the application.

(A) The department may only accept a digital signature used to authenticate an application under procedures that comply with any applicable rules adopted by the Department of Information Resources regarding department use or acceptance of a digital signature.

(B) The department may only accept a digital signature to authenticate an application if the digital signature is:

- (i) unique to the person using it;
- (ii) capable of independent verification;
- (iii) under the sole control of the person using it; and
- (iv) transmitted in a manner that will make it infeasible to change the data in the communication or digital signature without invalidating the digital signature.

(d) Maximum permit weight limits.

(1) General. An overweight permitted vehicle will not be routed over a load-restricted bridge when exceeding the posted capacity of the bridge, unless a special exception is granted by TxDOT, based on an analysis of the bridge performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT engineer must have final approval from TxDOT.

(A) An axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group to achieve the maximum permit weight for the group.

(B) The maximum permit weight for an axle group with spacing of five or more feet between each axle will be based on an engineering study of the equipment conducted by TxDOT.

(C) A permitted vehicle will be allowed to have air suspension, hydraulic suspension, and mechanical suspension axles in a common weight equalizing suspension system for any axle group.

(D) The department may permit axle weights greater than those specified in this section, for a specific individual permit request, based on an engineering study of the route and hauling equipment performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT engineer must have final approval from TxDOT.

(E) A permitted vehicle or combination of vehicles may not exceed the manufacturer's rated tire carrying capacity, unless expressly authorized in the language on the permit based on an analysis performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT engineer must have final approval from TxDOT.

(F) Two or more consecutive axle groups having an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group, will be reduced by 2.5% for each foot less than 12 feet.

(2) Maximum axle weight limits. Maximum permit weight for an axle or axle group is based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the lesser amount:

- (A) single axle--25,000 pounds;
- (B) two axle group--46,000 pounds;
- (C) three axle group--60,000 pounds;
- (D) four axle group--70,000 pounds;
- (E) five axle group--81,400 pounds;

(F) axle group with six or more axles--determined by TxDOT based on an engineering study of the equipment, which will include the type of steering system used, the type of axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on each axle; or

(G) trunnion axles--30,000 pounds per axle if the trunnion configuration has:

- (i) two axles;
- (ii) eight tires per axle;
- (iii) axles a minimum of 10 feet in width; and
- (iv) at least five feet of spacing between the axles, not to exceed six feet.

(3) Weight limits for load restricted roads. Maximum permit weight for an axle or axle group, when traveling on a load restricted road, will be based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the lesser amount:

- (A) single axle--22,500 pounds;
- (B) two axle group--41,400 pounds;
- (C) three axle group--54,000 pounds;
- (D) four axle group--63,000 pounds;
- (E) five axle group--73,260 pounds;

(F) axle group with six or more axles--determined by TxDOT based on an engineering study of the equipment, which will include the type of steering system used, the type of axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on each axle;

(G) trunnion axles--54,000 pounds; and

(H) two or more consecutive axle groups having an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group will be reduced by 2.5% for each foot less than 12 feet.

(e) Permit issuance.

(1) General. Upon receiving an application in the form prescribed by the department, the department will review the permit application for the appropriate information and will then determine the most practical route based on information provided by TxDOT.

(2) Routing.

(A) A permitted vehicle will be routed over the most practical route available taking into consideration:

(i) the size and weight of the overdimension load in relation to vertical clearances, width restrictions, steep grades, and weak or load restricted bridges;

(ii) the geometrics of the roadway in comparison to the overdimension load;

(iii) sections of highways restricted to specific load sizes and weights due to construction, maintenance, and hazardous conditions;

(iv) traffic conditions, including traffic volume;

(v) route designations by municipalities in accordance with Transportation Code, §623.072;

(vi) load restricted roads; and

(vii) other considerations for the safe transportation of the load.

(B) When a permit applicant desires a route other than the most practical, more than one permit will be required for the trip unless an exception is granted by the department.

(3) Movement to and from point of origin or place of business. A permitted vehicle will be allowed to:

(A) move empty oversize and overweight hauling equipment to and from the job site; and

(B) move oversize and overweight hauling equipment with a load from the permitted vehicle's point of origin to pick up a permitted load, and to the permitted vehicle's point of origin or the permittee's place of business after dropping off a permitted load, as long as:

(i) the load does not exceed legal size and weight limits under Transportation Code, Chapters 621 and 622; and

(ii) the transport complies with the permit, including the time period stated on the permit.

(f) Payment of permit fees, refunds.

(1) Payment methods. All permit applications must be accompanied by the proper fee, which shall be payable as provided by §209.23 of this title (relating to Methods of Payment).

~~[(A) Permit Account Card (PAC). Application for a PAC should be made directly to the issuing institution. A PAC must be established and maintained according to the contract provisions stipulated between the PAC holder and the financial institution under contract to the department and the Comptroller of Public Accounts.]~~

~~[(B) Escrow accounts. A permit applicant may establish an escrow account with the department for the specific purpose of paying any fee that is related to the issuance of a permit under this subchapter.]~~

~~[(i) A permit applicant who desires to establish an escrow account shall complete and sign an escrow account agreement, and shall return the completed and signed agreement to the department~~

~~with a check in the minimum amount of \$305, which shall be deposited to the appropriate fund by the department with the Comptroller of Public Accounts. In lieu of submitting a check for the initial deposit to an applicant's escrow account, the applicant may transfer funds to the department electronically.]~~

~~[(ii) Upon initial deposit, and each subsequent deposit made by the escrow account holder, \$5 will be charged as an escrow account administrative fee.]~~

~~[(iii) The escrow account holder is responsible for monitoring of the escrow account balance.]~~

~~[(iv) An escrow account holder must submit a written request to the department to terminate the escrow account agreement. Any remaining balance will be returned to the escrow account holder.]~~

(2) Refunds. A permit fee will not be refunded after the permit number has been issued unless such refund is necessary to correct an error made by the permit officer.

(g) Amendments. A permit may be amended for the following reasons:

(1) vehicle breakdown;

(2) changing the intermediate points in an approved permit route;

(3) extending the expiration date due to conditions which would cause the move to be delayed;

(4) changing route origin or route destination prior to the start date as listed on the permit;

(5) changing vehicle size limits prior to the permit start date as listed on the permit, provided that changing the vehicle size limit does not necessitate a change in the approved route; and

(6) correcting any mistake that is made due to permit officer error.

(h) Requirements for overwidth loads.

(1) Unless stated otherwise on the permit, an overwidth load must travel in the outside traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

(2) Overwidth loads are subject to the escort requirements of subsection (k) of this section.

(3) A permitted vehicle exceeding 16 feet in width will not be routed on the main lanes of a controlled access highway, unless an exception is granted by TxDOT, based on a route and traffic study. The load may be permitted on the frontage roads when available, if the movement will not pose a safety hazard to other highway users.

(4) An applicant requesting a permit to move a load exceeding 20 feet wide will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(i) Requirements for overlength loads.

(1) Overlength loads are subject to the escort requirements stated in subsection (k) of this section.

(2) A single vehicle, such as a motor crane, that has a permanently mounted boom is not considered as having either front or rear overhang as a result of the boom because the boom is an integral part of the vehicle.

(3) When a single vehicle with a permanently attached boom exceeds the maximum legal length of 45 feet, a permit will not be issued if the boom projects more than 25 feet beyond the front bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of the vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

(4) Maximum permit length for a single vehicle is 75 feet.

(5) A load extending more than 20 feet beyond the front or rearmost portion of the load carrying surface of the permitted vehicle must have a rear escort flag vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

(6) A permit will not be issued for an oversize vehicle and load with:

(A) more than 25 feet front overhang; or

(B) more than 30 feet rear overhang, unless an exception is granted by TxDOT, based on a route and traffic study.

(7) An applicant requesting a permit to move an oversize vehicle and load exceeding 125 feet overall length will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the oversize vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(8) A permitted vehicle that is not overwidth or overheight, and does not exceed 150 feet overall length, may be moved in a convoy consisting of not more than four overlength permitted vehicles. A permitted vehicle that is not overwidth or overheight that exceeds 150 feet, but does not exceed 180 feet overall length, may be moved in a convoy consisting of not more than two overlength permitted vehicles. Convoys are subject to the requirements of subsection (k) of this section. Each permitted vehicle in the convoy must:

(A) be spaced at least 1,000 feet, but not more than 2,000 feet, from any other permitted vehicle in the convoy; and

(B) have a rotating amber beacon or an amber pulsating light, not less than eight inches in diameter, mounted at the rear top of the load being transported.

(j) Requirements for overheight loads.

(1) Overheight loads are subject to the escort requirements stated in subsection (k) of this section.

(2) An applicant requesting a permit to move an oversize vehicle and load with an overall height of 19 feet or greater will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the oversize vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(k) Escort flag vehicle requirements. Escort flag vehicle requirements are provided to facilitate the safe movement of permitted vehicles and to protect the traveling public during the movement of permitted vehicles. A permittee must provide for escort flag vehicles and law enforcement assistance when required by TxDOT. The requirements in this subsection do not apply to the movement of manufactured housing, portable building units, or portable building compatible cargo.

(1) General.

(A) Applicability. The operator of an escort flag vehicle shall, consistent with applicable law, warn the traveling public when:

(i) a permitted vehicle must travel over the center line of a narrow bridge or roadway;

(ii) a permitted vehicle makes any turning movement that will require the permitted vehicle to travel in the opposing traffic lanes;

(iii) a permitted vehicle reduces speed to cross under a low overhead obstruction or over a bridge;

(iv) a permitted vehicle creates an abnormal and unusual traffic flow pattern; or

(v) in the opinion of TxDOT, warning is required to ensure the safety of the traveling public or safe movement of the permitted vehicle.

(B) Law enforcement assistance. Law enforcement assistance may be required by TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city, or at such times when law enforcement assistance would provide for the safe movement of the permitted vehicle and the traveling public.

(C) Obstructions. It is the responsibility of the permittee to contact utility companies, telephone companies, television cable companies, or other entities as they may require, when it is necessary to raise or lower any overhead wire, traffic signal, street light, television cable, sign, or other overhead obstruction. The permittee is responsible for providing the appropriate advance notice as required by each entity.

(2) Escort requirements for overwidth loads. Unless an exception is granted based on a route and traffic study conducted by TxDOT, an overwidth load must:

(A) have a front escort flag vehicle if the width of the load exceeds 14 feet, but does not exceed 16 feet, when traveling on a two lane roadway;

(B) have a rear escort flag vehicle if the width of the load exceeds 14 feet, but does not exceed 16 feet, when traveling on a roadway of four or more lanes; and

(C) have a front and a rear escort flag vehicle for all roads, when the width of the load exceeds 16 feet.

(3) Escort requirements for overlength loads. Unless an exception is granted by TxDOT, based on a route and traffic study, overlength loads must have:

(A) a front escort flag vehicle when traveling on a two lane roadway if the vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length;

(B) a rear escort flag vehicle when traveling on a multi-lane highway if the vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length; and

(C) a front and rear escort flag vehicle at all times if the permitted vehicle exceeds 125 feet overall length.

(4) Escort requirements for overheight loads. Unless an exception is granted by TxDOT, based on a route and traffic study, overheight loads must have:

(A) a front escort flag vehicle equipped with a height pole to ensure the vehicle and load can clear all overhead obstructions for any permitted vehicle that exceeds 17 feet in height; and

(B) a front and rear escort flag vehicle for any permitted vehicle exceeding 18 feet in height.

(5) Escort requirements for permitted vehicles exceeding legal limits in more than one dimension. When a load exceeds more than one dimension that requires an escort under this subsection, front and rear escort flag vehicles [~~escorts~~] will be required unless an exception is granted by TxDOT.

(6) Escort requirements for convoys. Convoys must have a front escort flag vehicle and a rear escort flag vehicle on all highways at all times.

(7) General equipment requirements. The following special equipment requirements apply to permitted vehicles and escort flag vehicles that are not motorcycles.

(A) An escort flag vehicle must be a single unit with a gross vehicle weight (GVW) of not less than 1,000 pounds nor more than 10,000 pounds.

(B) An escort flag vehicle must be equipped with two flashing amber lights; ~~[or] one rotating amber beacon of not less than eight inches in diameter; or alternating or flashing blue and amber lights, each of which must be visible from all directions [; affixed to the roof of the escort vehicle, which must be visible to the front, sides, and rear of the escort vehicle]~~ while actively engaged in escort duties for the permitted vehicle.

(C) An escort flag vehicle must display a sign, on either the roof of the vehicle, or the front and rear of the vehicle, with the words "OVERSIZE LOAD" or "WIDE LOAD." The sign must be visible from the front and rear of the vehicle while escorting the permitted load. The sign must meet the following specifications:

(i) at least five feet, but not more than seven feet in length, and at least 12 inches, but not more than 18 inches in height;

(ii) the sign must have a yellow background with black lettering;

(iii) letters must be at least eight inches, but not more than 10 inches high with a brush stroke at least 1.41 inches wide; and

(iv) the sign must be visible from the front or rear of the vehicle while escorting the permitted vehicle, and the signs must not be used at any other time.

(D) An escort flag vehicle must maintain two-way communications with the permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

(E) Warning flags must be either red or orange fluorescent material, at least 12 inches square, securely mounted on a staff or securely fastened by at least one corner to the widest extremities of an overwidth permitted vehicle, and at the rear of an overlength permitted vehicle or a permitted vehicle with a rear overhang in excess of four feet.

(8) Equipment requirements for motorcycles.

(A) An official law enforcement motorcycle may be used as a primary escort flag vehicle for a permitted vehicle traveling within the limits of an incorporated city, if the motorcycle is operated by a highway patrol officer, sheriff, or duly authorized deputy, or municipal police officer.

(B) An escort flag vehicle must maintain two-way communications with the permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

(l) Restrictions.

(1) Restrictions pertaining to road conditions. Movement of a permitted vehicle is prohibited when road conditions are hazardous based upon the judgment of the operator and law enforcement officials. Law enforcement officials shall make the final determination regarding whether or not conditions are hazardous. Conditions that should be considered hazardous include, but are not limited to:

(A) visibility of less than 2/10 of one mile; or

(B) weather conditions such as wind, rain, ice, sleet, or snow.

(2) Daylight and night movement restrictions.

(A) A permitted vehicle may be moved only during daylight hours unless:

(i) the permitted vehicle is overweight only;

(ii) the permitted vehicle is traveling on an interstate highway and does not exceed 10 feet wide and 100 feet long, with front and rear overhang that complies with legal standards; or

(iii) the permitted vehicle meets the criteria of clause (ii) of this subparagraph and is overweight.

(B) An exception may be granted allowing night movement, based on a route and traffic study conducted by TxDOT. Escort flag vehicles [~~Eseorts~~] may be required when an exception allowing night movement is granted.

(3) Holiday restrictions. The maximum size limits for a permit issued under Transportation Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16 feet high, and 110 feet long, unless an exception is granted based on a route and traffic study conducted by TxDOT. The department may restrict holiday movement of specific loads based on a determination that the load could pose a hazard for the traveling public due to local road or traffic conditions.

(4) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions of any city or county in which the vehicle is operated. However, only the curfew restrictions listed on the permit apply to the permit.

(m) General provisions.

(1) Multiple commodities.

(A) Except as provided in subparagraph (B) of this paragraph, when a permitted commodity creates a single overdimension, two or more commodities may be hauled as one permit load, provided legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created or made greater by the additional commodities. For example, a permit issued for the movement of a 12 foot wide storage tank may also include a 10 foot wide storage tank loaded behind the 12 foot wide tank provided that legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created.

(B) When the transport of more than one commodity in a single load creates or makes greater an illegal dimension of length, width, or height the department may issue an oversize permit for such load subject to each of the following conditions.

(i) The permit applicant or the shipper of the commodities files with the department a written certification by the Texas Economic Development and Tourism Office, attesting that issuing the permit will have a significant positive impact on the economy of Texas and that the proposed load of multiple commodities therefore cannot be reasonably dismantled. As used in this clause the term significant positive impact means the creation of not less than 100 new full-time jobs, the preservation of not less than 100 existing full-time jobs, that would otherwise be eliminated if the permit is not issued, or creates or retains not less than one percent of the employment base in the affected economic sector identified in the certification.

(ii) Transport of the commodities does not exceed legal axle and gross load limits.

(iii) The permit is issued in the same manner and under the same provisions as would be applicable to the transport of a single oversize commodity under this section; provided, however, that the shipper and the permittee also must indemnify and hold harmless the department, its board members, officers, and employees from any and all liability for damages or claims of damages including court costs and attorney fees, if any, which may arise from the transport of an oversized load under a permit issued pursuant to this subparagraph.

(iv) The shipper and the permittee must file with the department a certificate of insurance on a form prescribed by the department, or otherwise acceptable to the department, naming the department, its board members, officers, and employees as named or additional insurers on its comprehensive general liability insurance policy for coverage in the amount of \$5 million per occurrence, including court costs and attorney fees, if any, which may arise from the transport of an oversized load under a permit issued pursuant to this subparagraph. The insurance policy is to be procured from a company licensed to transact insurance business in the State of Texas.

(v) The shipper and the permittee must file with the department, in addition to all insurance provided in clause (iv) of this subparagraph, a certificate of insurance on a form prescribed by the department, or otherwise acceptable to the department, naming the department, its board members, officers, and employees as insurers under an auto liability insurance policy for the benefit of said insurers in an amount of \$5 million per accident. The insurance policy is to be procured from a company licensed to transact insurance business in the

State of Texas. If the shipper or the permittee is self-insured with regard to automobile liability then that party must take all steps and perform all acts necessary under the law to indemnify the department, its board members, officers, and employees as if the party had contracted for insurance pursuant to, and in the amount set forth in, the preceding sentence and shall agree to so indemnify the department, its board members, officers, and employees in a manner acceptable to the department.

(vi) Issuance of the permit is approved by written order of the board which written order may be, among other things, specific as to duration and routes.

(C) An applicant requesting a permit to haul a dozer and its detached blade may be issued a permit, as a non-dismantable load, if removal of the blade will decrease the overall width of the load, thereby reducing the hazard to the traveling public.

(2) Oversize hauling equipment. A vehicle that exceeds the legal size limits, as set forth by Transportation Code, Chapter 621, Subchapter C, may only haul a load that exceeds legal size limits unless otherwise noted in this subchapter, but such vehicle may haul an overweight load that does not exceed legal size limits, except for the special exception granted in §219.13(c)(3) of this title (relating to Time Permits).

(n) Surety bonds.

(1) General. The following conditions apply to surety bonds specified in Transportation Code, §623.075.

(A) The surety bond must:

(i) be made payable to the Texas Department of Transportation with the condition that the applicant will pay the Texas Department of Transportation for any damage caused to the highway by the operation of the equipment covered by the surety bond;

(ii) be 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.

(iii) include the complete mailing address and zip code of the principal;

(iv) be filed with the department and have an original signature of the principal;

(v) have a single entity as principal with no other principal names listed; and

(vi) A non-resident agent with a valid Texas insurance license may issue a bond on behalf of an authorized insurance company when in compliance with Insurance Code, Chapter 4056.

(B) A certificate of continuation will not be accepted.

(C) The owner of a vehicle bonded under Transportation Code, §623.075 or §623.163, that damages the state highway system as a result of the permitted vehicle's movement will be notified by certified mail of the amount of damage and will be given 30 days to submit payment for such damage. Failure to make payment within 30 days will result in TxDOT placing the claim with the attorney general for collection.

(D) The venue of any suit for a claim against a surety bond for the movement of a vehicle permitted under the provisions of Transportation Code, Chapter 623, Subchapter D, will be any court of competent jurisdiction in Travis County.

(2) Permit surety bonds.

(A) A surety bond required under the provisions of Transportation Code, Chapter 623, Subchapter D, must be submitted on the department's standard surety bond form in the amount of \$10,000.

(B) A facsimile or electronic copy of the surety bond is acceptable in lieu of the original surety bond, for a period not to exceed 10 days from the date of its receipt in the department. If the original surety bond has not arrived in the department by the end of the 10 days, the applicant will not be issued a permit until the original surety bond has been received in the department.

(C) The surety bond requirement does apply to the delivery of farm equipment to a farm equipment dealer.

(D) A surety bond is required when a dealer or transporter of farm equipment or a manufacturer of farm equipment obtains a permit.

(E) The surety bond requirement does not apply to driving or transporting farm equipment which is being used for agricultural purposes if it is driven or transported by or under the authority of the owner of the equipment.

(F) The surety bond requirement does not apply to a vehicle or equipment operated by a motor carrier registered with the department under Transportation Code, Chapters 643 or 645 as amended.

Figure: 43 TAC Chapter 219 - Preamble

<b>Method of Payment</b>	<b>Indirect Costs for Method of Payment, based on Examples Provided by Third-Party Vendors or Sample Calculations</b>	<b>Hay Permit – \$10</b>	<b>General Single-Trip Permit for Gross Weight between 120,001 and 160,000 Pounds – \$285</b>	<b>Intermodal Shipping Container Port Permit – \$6,000</b>
<b>Credit Card</b>	Only accepted via Texas.gov, which charges 25¢ plus 2.25% of total transaction.	\$10.48	\$291.67	\$6,135.26
<b>ACH</b>	Elavon fee:  \$0.15 per transaction up to 250,000 transactions per year	\$10.15	\$285.15	\$6,000.15
<b>Check</b>	NA	\$10.00	\$285.00	\$6,000.00
<b>Money Order</b>	The U.S. Postal Service fee, based on dollar amount:  \$1.25 for \$0.01 to \$500.00  \$1.75 for \$500.01 to \$1,000.00  Cost to drive to Post Office.	\$22.75	\$297.75	\$6,022.00
<b>Cashier's Check</b>	Wells Fargo fee: \$10.00 each  Cost to drive to bank.	\$31.50	\$306.50	\$6021.50
<b>Cash</b>	Cost to drive to one of the department's 16 Regional Service Centers	\$38.75	\$313.75	\$6028.75
<b>Escrow Account Administered by the Department</b>	\$5.00 administrative fee for each deposit. Deposits are made via check, money order, cashier's check,	\$15, plus any costs for method of payment used for deposit.	\$290, plus any costs for method of payment used for deposit.	\$6,005, plus any costs for method of payment used for deposit.

Method of Payment	Indirect Costs for Method of Payment, based on Examples Provided by Third-Party Vendors or Sample Calculations	Hay Permit – \$10	General Single-Trip Permit for Gross Weight between 120,001 and 160,000 Pounds – \$285	Intermodal Shipping Container Port Permit – \$6,000
	commercial check, cash, and wire.			
<b>PAC</b>	Frost Bank charges \$1.00 per permit transaction.	\$11.00	\$286.00	\$6,001.00