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Texas Administrative Code

<u>TITLE 37</u>	PUBLIC SAFETY AND CORRECTIONS
<u>PART 1</u>	TEXAS DEPARTMENT OF PUBLIC SAFETY
<u>CHAPTER 4</u>	COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
<u>SUBCHAPTER B</u>	REGULATIONS GOVERNING TRANSPORTATION SAFETY
RULE §4.11	General Applicability and Definitions

(a) The director of the Texas Department of Public Safety incorporates, by reference, the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385 - 387, 390 - 393, and 395 - 397 including all interpretations thereto, as amended through July 1, 2019. All other references in this subchapter to the Code of Federal Regulations also refer to amendments and interpretations issued through July 1, 2019. The rules detailed in this section ensure:

- (1) a commercial motor vehicle is safely maintained, equipped, loaded, and operated;
- (2) the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely;
- (3) the physical condition of a commercial motor vehicle's operator enables the operator to operate the vehicle safely;
- (4) commercial motor vehicle operators are qualified, by reason of training and experience, to operate the vehicle safely; and
- (5) the minimum levels of financial responsibility for motor carriers of property or passengers operating commercial motor vehicles in interstate, foreign, or intrastate commerce is maintained as required.

(b) Certain terms, when used in the federal motor carrier safety regulations as adopted in subsection (a) of this section, have the following meanings, unless the context clearly indicates otherwise.

- (1) Motor carrier--Has the meaning assigned by Texas Transportation Code, §643.001(6) when vehicles operated by the motor carrier meet the applicability requirements of subsection (c) of this section.
- (2) Hazardous material shipper--A consignor, consignee, or beneficial owner of a shipment of hazardous materials.
- (3) Interstate or foreign commerce--All movements by motor vehicle, both interstate and intrastate, over the streets and highways of this state.
- (4) Department--The Texas Department of Public Safety.
- (5) Director--The director of the Texas Department of Public Safety or the designee of the director.
- (6) Federal Motor Carrier Safety Administration (FMCSA)--The director of the Texas Department of Public Safety for vehicles operating in intrastate commerce.
- (7) Farm vehicle--Any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher

being used to transport agriculture commodities, farm machinery, and farm supplies to or from a farm or ranch.

(8) Commercial motor vehicle--Has the meaning assigned by Texas Transportation Code, §548.001(1) if operated intrastate; commercial motor vehicle has the meaning assigned by Title 49, Code of Federal Regulations, §390.5 if operated interstate.

(9) Foreign commercial motor vehicle--Has the meaning assigned by Texas Transportation Code, §648.001.

(10) Agricultural commodity--Has the meaning as defined in Title 49, Code of Federal Regulations, §395.2 and includes wood chips.

(11) Planting and harvesting seasons--Are January 1 to December 31.

(12) Producer--A person engaged in the business of producing or causing to be produced for commercial purposes an agricultural commodity. The term includes the owner of a farm on which the commodity is produced and the owner's tenant or sharecropper.

(13) Off-road motorized construction equipment--Includes but is not limited to, motor scrapers, backhoes, motor graders, compactors, excavators, tractors, trenchers, bulldozers, and other similar equipment routinely found at construction sites and that is occasionally moved to or from construction sites by operating the equipment short distances on public highways. Off-road motorized construction equipment is not designed to operate in traffic and such appearance on a public highway is only incidental to its primary functions. Off-road motorized construction equipment is not considered to be a commercial motor vehicle as that term is defined in Texas Transportation Code, §644.001.

(14) The phrase "The commercial driver's license requirements of part 383 of this subchapter" as used in Title 49, Code of Federal Regulations, §382.103(a)(1) shall mean the commercial driver's license requirements of Texas Transportation Code, Chapter 522.

(15) For purposes of removal from safety-sensitive functions for prohibited conduct as described in Title 49, Code of Federal Regulations, §382.501(c), commercial motor vehicle means a vehicle subject to the requirements of Texas Transportation Code, Chapter 522 and a vehicle subject to §4.22 of this title (relating to Contract Carriers of Certain Passengers), in addition to those vehicles enumerated in Title 49, Code of Federal Regulations, §382.501(c).

(c) Applicability.

(1) The FMCSA regulations are applicable to the vehicles detailed in subparagraph (A) - (F) of this paragraph:

(A) a vehicle or combination of vehicles with an actual gross weight or a gross weight rating in excess of 26,000 pounds when operating intrastate;

(B) a farm vehicle or combination of farm vehicles with an actual gross weight or a gross weight rating of 48,000 pounds or more when operating intrastate;

(C) a vehicle designed or used to transport more than 15 passengers, including the driver;

(D) a vehicle transporting hazardous material requiring a placard;

(E) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; and

(F) a contract carrier transporting the operating employees of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.

(2) The regulations contained in Title 49, Code of Federal Regulations, §392.9a, and all interpretations thereto, are applicable to motor carriers operating exclusively in intrastate commerce and to the intrastate operations of interstate motor carriers that have not been federally preempted by the United Carrier Registration Act of 2005. The term "operating authority" as used in Title 49, Code of Federal Regulations, §392.9a, for the motor carriers described in this paragraph, shall mean compliance with the registration requirements found in Texas Transportation Code, Chapter 643. For purposes of enforcement of this paragraph, peace officers certified to enforce this chapter, shall verify that a motor carrier is not registered, as required in Texas Transportation Code, Chapter 643, before placing a motor carrier out-of-service. Motor carriers placed out-of-service under Title 49, Code of Federal Regulations, §392.9a may request a review under §4.18 of this title (relating to Intrastate Operating Authority Out-of-Service Review). All costs associated with the towing and storage of a vehicle and load declared out-of-service under this paragraph shall be the responsibility of the motor carrier and not the department or the State of Texas.

(3) All regulations contained in Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385 - 387, 390 - 393 and 395 - 397, and all interpretations thereto pertaining to interstate drivers and vehicles are also adopted except as otherwise excluded.

(4) A medical examination certificate, issued in accordance with Title 49, Code of Federal Regulations, §§391.14, 391.41, 391.43, and 391.45, shall expire on the date indicated by the medical examiner; however, no such medical examination certificate shall be valid for more than two years from the date of issuance.

(5) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee health and safety.

Source Note: The provisions of this §4.11 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective May 22, 2005, 30 TexReg 3031; amended to be effective September 22, 2005, 30 TexReg 6065; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4442; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective April 30, 2007, 32TexReg 2370; amended to be effective August 16, 2007, 32 TexReg 5034; amended to be effective January 2, 2008, 32 TexReg 10056; amended to be effective June 11, 2008, 33 TexReg 4527; amended to be effective December 10, 2008, 33 TexReg 10048; amended to be effective February 25, 2010, 35 TexReg 1470; amended to be effective November 8, 2010, 35 TexReg 9919; amended to be effective May 10, 2011, 36 TexReg 2995; amended to be effective June 26, 2012, 37 TexReg 4602; amended to be effective July 6, 2014, 39 TexReg 5190; amended to be effective March 29, 2015, 40 TexReg 1859; amended to be effective July 27, 2016, 41 TexReg 5432; amended to be effective January 9, 2018, 43 TexReg 95; amended to be effective June 20, 2018, 43 TexReg 3909; amended to be effective October 16, 2018, 43 TexReg 6845; amended to be effective August 15, 2019, 44 TexReg 4192

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PERMISSIBLE WEIGHT TABLE

CVE-43 (Rev. 12/15)

W = 500 $\left(\left(\frac{LN}{N-1} \right) + 12N + 36 \right)$ W = Weight L = Length N = # Of Axles

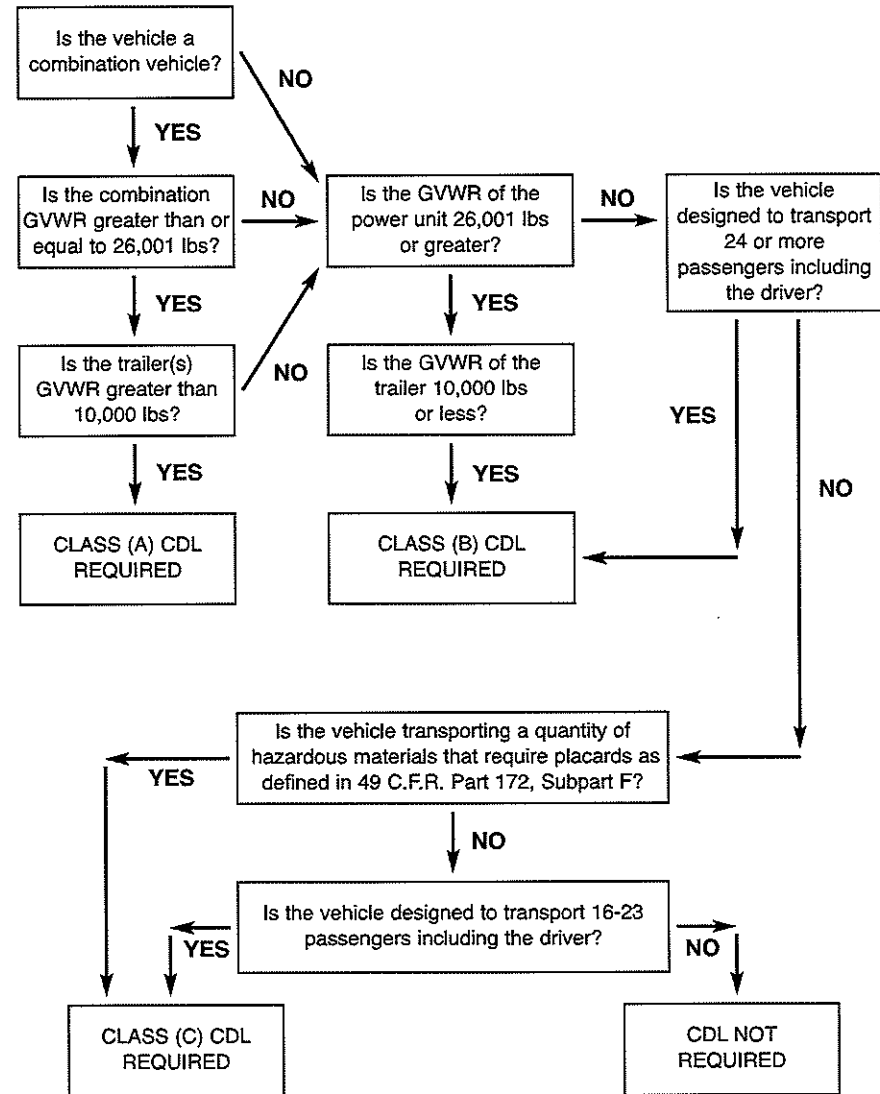
DISTANCE IN FEET	AXLES 2	AXLES 3	AXLES 4	AXLES 5	AXLES 6	AXLES 7
7	34,000					
8	34,000	34,000				
8+	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,500				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,500	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		*49,900	54,000	59,000		
19		*51,400	54,500	60,000		
20		*52,800	55,500	60,500	66,000	
21		*54,000	56,000	61,000	66,500	
22		*54,000	56,500	61,500	67,000	
23		*54,000	57,500	62,500	68,000	
24		*54,000	*58,700	63,000	68,500	74,000
25		54,500	*59,650	63,500	69,000	74,500
26		55,500	*60,600	64,000	69,500	75,000
27		56,000	*61,550	65,000	70,000	75,500
28		57,000	*62,500	65,500	71,000	76,500
29		57,500	*63,450	66,000	71,500	77,000
30		58,500	*64,000	66,500	72,000	77,500
31		59,000	*65,350	67,500	72,500	78,000
32		60,000	*66,300	68,500	73,000	78,500
33			*67,250	68,500	74,000	79,000
34			*68,200	69,000	74,500	80,000
35			*69,150	70,000	75,000	
36			*70,100	70,500	75,500	
37			*71,050	71,050	76,000	
38			*72,000	72,000	77,000	
39			*72,000	72,500	77,500	
40			*72,000	73,000	78,000	
41			*72,000	73,500	78,500	
42			*72,000	74,000	79,000	
43			*72,000	75,000	80,000	
44			*72,000	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			
55			78,500			
56			79,500			
57			80,000			

*These figures have been carried forward from Article 6701d-11, Section 5, Subsection (4), when it was amended on December 16, 1974, by Senate Bill 89 of the 64th Legislature, which provided that axle configurations and weights that could be lawfully operated as of that date would continue to be legal under the increased weight limits.

+These figures apply only to an axle spacing greater than 8' but less than 9'.

(Note: The permissible loads are computed to the nearest 500 pounds - Sec. 127 USC, Title 23 and TRC 621.101.)

**TRC Sec. 522.041
COMMERCIAL DRIVER'S LICENSE**



Persons exempt from CDL requirements:

1. Farmer or rancher in a covered farm vehicle
2. Firefighter/emergency vehicle necessary for the preservation of life or property
3. Military Vehicle operated by military personnel
4. Recreational vehicle
5. Person operating a vehicle owned, leased or controlled by an air carrier on the premises of an airport.
6. CMV on private property
7. Operating off road construction equipment
8. Vehicle used exclusively to transport seed cotton modules or cotton burs.

FILE THE HEAVIEST WEIGHT VIOLATION

BASIC WEIGHT LAWS

TIRE WEIGHT RATING	= Marked on Side wall of Tire
SINGLE AXLE	= 20,000 lbs.
TANDEM AXLE	= 34,000 lbs.
MAXIMUM GROSS WEIGHT	= 80,000 lbs.

WHEN DETERMINING LEGAL ALLOWED GROSS WEIGHT FOR ANY OF THE ABOVE LISTED WEIGHT LAWS. ALWAYS USE THE MOST RESTRICTIVE AMOUNT ALLOWED BY LAW.

OVER AXLE & OVER GROSS WEIGHT TOLERANCE PERMIT – (TRC 623.011)

Allows for excess Axle and/or Gross Weights to exceed the Basic Weight Law allowances. Do not confuse this permit with other permits issued by TXDMV that route oversize/weight vehicles on Interstate roadways as the 1547 Permit is not valid on the Interstate system.* The inner bridge no longer applies and it may be used to operate on load zoned roads. May not cross load zone bridges over the legal weight unless the bridge provides the ONLY vehicular access.

Vehicles laden with NON-AGRICULTURAL commodities may have: Maximum Allowable Axle Weight + 10% on all Axles, and Maximum Allowable Legal Gross Weight + 5%.

Vehicles laden with AGRICULTURAL commodities may have: Maximum Allowable Axle Weight + 12% on only one axle or one tandem axle. (TRC 621.508), and Maximum Allowable Axle Weight + 10% on all other Axles, and Maximum Allowable Legal Gross Weight + 5%.

12% AGRICULTURAL DEFENSE – (TRC 621.508)

- Applies to a Single or Tandem axle.
- Stipulation that only one axle will be allowed the 12%, but any inner bridge or allowed gross weight still apply. The product loaded was timber, pulpwood, wood chips, cotton or livestock (live animals) or other agricultural products that are: in their natural state, and being transported to the place of first marketing or first processing. Not valid on the Interstate system.*

READY-MIX CONCRETE or CONCRETE PUMP TRUCKS – (TRC 622.012)

SINGLE AXLE ALLOWED	= 23,000 lbs.
TANDEM AXLE ALLOWED	= 46,000 lbs.

The single OR tandem axle weights may be exceeded by 10% with a TxDMV overweight permit issued under Section 623.0171 as long as the gross weight does not exceed 69,000 lbs.

A Ready-Mix or Concrete pump truck must:

- Present a copy of the TxDMV overweight permit for the Vehicle being operated.
- Be registered for the actual allowed weight NTE 69,000 lbs.
- Not valid on the Federal Interstate System, however Federal Interstate Service roads are allowed.
- May not exceed Tire Load Rating. (FMCSR 393.75f)

NOTE: Ready-Mix concrete is a perishable commodity as is Hot Mix. Use good discretion on how long a vehicle is detained for inspection and/or weighing purposes.

MISCELLANEOUS WEIGHT LAW EXCEPTIONS

SEED COTTON: (TRC 622.953) Single vehicles used for this purpose may not exceed 64,000 lbs. gross weight, regardless of axle or group of axle weight limits. Not valid on the Interstate system.* Be registered for the actual allowed weight.

CHILE PEPPER MODULES: (TRC 622.953) Single motor vehicle used for this purpose may not exceed 54,000 lbs. gross weight, regardless of axle or group weight limits. Not valid on the Interstate system.* Be registered for the actual allowed weight.

ANNUAL TIMBER PERMIT: (TRC 623.321) TxDMV issues annual timber permits for the movement of unrefined timber, wood chips and woody biomass. Vehicles may have up to 44,000 pounds on a tandem axle; the gross weight of the vehicle may not exceed 84,000 pounds. This permit is an annual permit that expires one year from the effective date. **Note: Trucks may not exceed Texas legal size limits.

LOG TRUCKS: (TRC 622.0435) Log Trucks may be operated with 80,000 pounds gross weight with a minimum outside bridge measurement of 39 ft. or more. Must be registered for this weight. Not valid on the Interstate system.* Five axles are required and the inner bridge does not apply.

ENFORCEMENT TOLERANCES

All weight violations will have a 1,000 pound tolerance. This includes all vehicles operated with or without permits (including the 12% Agricultural exemption).

Example: Single Axle Weighs 21,000 lbs. = Warning Only
Single Axle Weighs 21,001 lbs. = Citation

UNLOADING TOLERANCES – (TRC 621.403)

If the gross or axle weight of a motor vehicle which is weighed and is heavier than the maximum weight authorized plus a tolerance allowance equal to five percent of that maximum weight, the weight enforcement officer shall require the operator or owner of the vehicle to unload any weight in excess of the legal weight plus five percent.

UNLOADING EXCEPTIONS – (TRC 621.405)

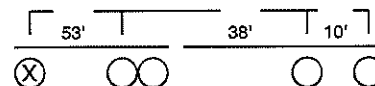
- Timber, pulp wood, or agricultural products in their natural state being transported from the place of production to the place of marketing or first processing; or
- A vehicle crossing a highway where owner owns the land on both sides of the roadway; or
- Vehicle loaded with livestock (any live animals).

DPS POLICY: If no apparent damage to the highway is occurring and the load is within five (5) miles from the point of origin or destination, the vehicle will be allowed to proceed without unloading.

AXLE & VEHICLE DIAGRAMMING METHODS

Weight enforcement measurements are taken from the center of an axle to the center of the next axle. This distance is recorded in feet. The axle weights will be inserted by the wheel diagrams. Any measurements of six inches or more will be carried to the next highest foot. Example: 23"6" would be recorded as 24 feet.

Example of how to diagram and record measurements:



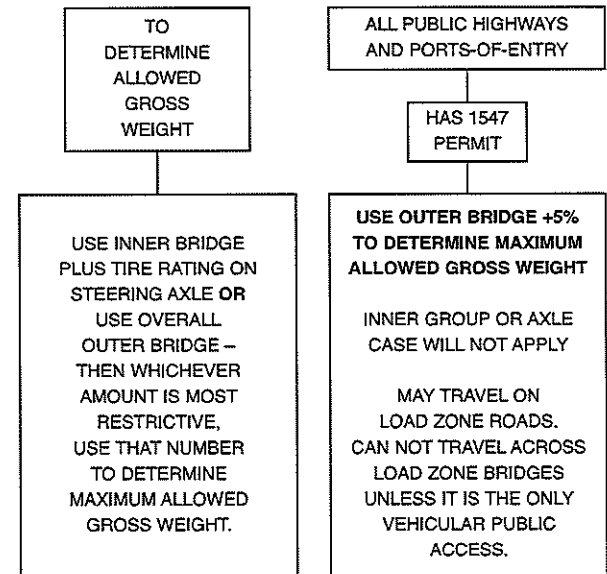
SINGLE VEHICLES TRANSPORTING SOLID WASTE (TRC 623.162 & 623.163) and RECYCLABLE MATERIAL WITH ROLL-OFF CONTAINERS (TRC 622.133 & 622.134)

Steering Axle	= 21,000 lbs.
Tandem Axle	= 44,000 lbs.
Gross Weight	= 64,000 lbs.

Solid Waste and Recyclable material vehicles must:

- Must be a single vehicle and not a combination.
- Present a copy of the Surety Bond for the vehicle being operated.
- Not valid on the Interstate system,* and
- Be registered for the actual allowed weight NTE 64,000 lbs.

OVER WEIGHT VEHICLE STOPPED



AIDING AND ABETTING – LOADING OF VEHICLES (TRC 621.503)

A person may not load or cause to be loaded a vehicle for operation on a public highway of this state that exceeds the weight limitations for operation of that vehicle provided by TRC Sec. 621.101.

Intent to violate a limitation is presumed if the weight of the loaded vehicle is heavier than the applicable gross weight limit or axle load limit by 15% or more.

This section does not apply to the loading of an agricultural or a forestry commodity before the commodity is changed in processing from its natural state.

*Interstate system no longer includes the service/frontage roads with the exception of a small number which will be designated by TXDOT.