Sec. 621.506. OFFENSE OF OPERATING OR LOADING OVERWEIGHT VEHICLE; PENALTY; DEFENSE. (a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section [621.101](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=621.101), [622.012](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.012), [622.031](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.031), [622.041](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.041), [622.0435](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.0435), [622.051](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.051), [622.061](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.061), [622.133](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.133), [622.953](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=622.953), or [623.162](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=623.162); or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section [621.503](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=621.503).

(b) Except as provided by Subsections (b-1), (b-2), and (b-3), an offense under this section is a misdemeanor punishable:

(1) by a fine of not less than $100 and not more than $250;

(2) on conviction of an offense involving a vehicle having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | Pounds Overweight | Fine Range |
|  | less than 2,500 | $100 to $500 |
|  | 2,500-5,000 | $500 to $1,000 |
|  | more than 5,000 | $1,000 to $2,500; or |

(3) on conviction of an offense involving a vehicle having a gross weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | Pounds Overweight | Fine Range |
|  | less than 2,500 | $100 to $500 |
|  | 2,500-5,000 | $500 to $1,000 |
|  | 5,001-10,000 | $1,000 to $2,500 |
|  | 10,001-20,000 | $2,500 to $5,000 |
|  | 20,001-40,000 | $5,000 to $7,000 |
|  | more than 40,000 | $7,000 to $10,000. |

(b-1) On conviction of a third offense punishable under Subsection (b)(2) or (3), before the first anniversary of the date of a previous conviction of an offense punishable under Subsection (b)(2) or (3), the defendant shall be punished by a fine in an amount not to exceed twice the maximum amount specified by Subsection (b)(2) or (3).

(b-2) A defendant operating a vehicle or combination of vehicles at a weight for which a permit issued under this subtitle would authorize the operation, but who does not hold the permit, shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than $500 or more than $1,000, except that for a second or subsequent conviction under this section, the offense is punishable by an additional fine of not less than $2,500 or more than $5,000.

(b-3) A defendant operating a vehicle or combination of vehicles at a weight in excess of 84,000 pounds with a load that can reasonably be dismantled shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than $500 or more than $1,000, except that for a second or subsequent conviction under this section, the offense is punishable by an additional fine of not less than $2,500 or more than $5,000.

(c) On conviction of a violation of an axle weight limitation, the court may assess a fine less than the applicable minimum amount prescribed by Subsection (b) if the court finds that when the violation occurred:

(1) the vehicle was registered to carry the maximum gross weight authorized for that vehicle under Section [621.101](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=621.101); and

(2) the gross weight of the vehicle did not exceed that maximum gross weight.

(d) A judge or justice shall promptly report to the Department of Public Safety each conviction obtained in the judge's or the justice's court under this section. The Department of Public Safety shall keep a record of each conviction reported to it under this subsection.

(e) If a corporation fails to pay the fine assessed on conviction of an offense under this section, the district or county attorney in the county in which the conviction occurs may file suit against the corporation to collect the fine.

(f) A justice or municipal court has jurisdiction of an offense under this section.

(g) Except as provided by Subsection (h), a governmental entity that collects a fine under this section for an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 5,000 pounds heavier than the vehicle's allowable weight shall send an amount equal to 50 percent of the fine to the comptroller in the manner provided by Subchapter B, Chapter [133](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=LG&Value=133), Local Government Code.

(h) If the offense described by Subsection (g) occurred within 20 miles of an international border, the entire amount of the fine shall be deposited for the purposes of road maintenance in:

(1) the municipal treasury, if the fine was imposed by a municipal court; or

(2) the county treasury, if the fine was imposed by a justice court.

(i) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the Department of Public Safety.