



## Legislative Bills Passed for the Logging Profession



Transportation is vital to our economy and to our ability to produce and purchase products on a daily basis. Transportation issues before the Texas Legislature is always an issue since not all trucks and the products they carry are similar in size, weight and configuration.

Texas Forestry Association (TFA) has addressed the issue of vehicle weights in every session that I have been involved with since 1985. One of the key components of the Transportation Code that remains today are the provisions found in Section 623 which address overweight and oversize vehicles. In 1989, HB 2060 passed the legislature allowing a 5% tolerance on the vehicle gross weight allowed by law and a 10% tolerance on axle weights. For an 80,000 lb vehicle this meant that the vehicle could have a gross vehicle weight (GVW) of 84,000 lbs as long as the axle weight was not exceeded. Permit holders were required to notify counties of their intent to travel in those counties within 14 days of the permit issuance.

HB 2060 was amended in 1995, with the passage of HB 1547. This bill set up the requirement to designate the number of counties that the vehicle will operate in on an annual basis and established an additional permit fee, in addition to the base fee required by HB 2060.

In 1991, TFA and the Texas Logging Council (TLC) worked with the State Insurance Commission to establish a rate classification for worker's compensation insurance based on the level of mechanization vs. the use of chain saws on the logging job. TLC was recognized as a source in conducting annual site visits to logging jobs to confirm the appropriate rate classification. The TFA office maintained the records and coordination of visits with the insurance agents.

TFA/TLC assisted in passing the Log loader bill in the 1991, 72<sup>nd</sup> Regular Session of the Texas Legislature. This bill authorized a special tag for vehicles that were used to load logs to operate during daylight hours without the payment of the regular registration fee and exempted the vehicle from inspection requirements.

In 1993, TFA/TLC were again active in Austin as the Texas Legislature passed a bill that authorized the issuance of special license plate for forestry vehicles. The primary need for this legislation was to address the burdensome record keeping for apportioned plates that were needed on vehicles operating across the state lines in Louisiana, Arkansas and Oklahoma.

In 1995, TFA/TLC supported legislation allowing the first \$50,000 sales tax exemption on purchases of equipment used in the harvesting and loading of logs.

In 1997, TFA/TLC was successful in passing legislation that allowed log trucks to shorten the distance between tandem axles by 12 feet and still carry the maximum 80,000 Lbs GVW or with the permit 84,000 lbs. GVW. The only restriction was that a posted bridge could not be crossed unless it was the only means to transport the load from the point of harvesting to the mill.

In 1999, TFA/TLC supported legislation, "The Texas Reforestation & Conservation Act", which phased in the sales tax exemption for purchases used in the growing, management, harvesting and transportation of forestry products. This exemption was phased in starting in 2000 and became 100% sales tax exempt on January 1, 2008. This bill also included the exemption of personal property tax on equipment used in the production and transportation of logs, and chips. The personal property tax exemption was

challenged in a lawsuit by Angelina County Appraisal District, against Breazeale Trucking, Inc., Breazeale Logging, Inc, Duren Timber Co., Inc., Kent Hannah Logging, Inc., and KCM Trucking, Inc. The Plaintiffs were defended by Jackson-Walker LCC and in 2002 District Judge David Walker ruled in favor of the Plaintiffs requiring the chief appraiser to correct the appraisal records to reflect the exemptions claimed by the Plaintiffs.

2013, TFA/TLC supported legislation that created a new section in Chapter 623 of the Transportation Code that allows a vehicle carrying logs, chips or woody biomass to purchase a permit to haul up to 44,000 lbs on tandem axles as long as the GVW does not go over 84,000 lbs. This new permit named "Annual Timber Permit" is an option to the existing permits.

2019, TFA/TLC initiated and passed legislation through State Representative Trent Ashby and State Senator Robert Nichols which adds to the Annual Timber Permit "equipment used to load wood".

2021, TFA/TLC partnered with Texans for Lawsuit Reform (TLR) and Texas Trucking Association (TXTA) to pass tort reform (HB19) which is designed to deter the worst abuses in commercial motor vehicle litigation in Texas, thus improving the CMV insurance market especially for small businesses.

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