

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §28.100, Purpose, §28.101, Responsibilities, §28.102, Permit Issuance Requirements and Procedures, §28.111, Applicability, §28.201, Investigations and Inspections of Records, and §28.202, Records, all relating to oversize and overweight vehicles and loads, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A - D, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §28.100, §28.101, §28.102, §28.111, §28.201, and §28.202 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Carol Davis  
Director, Motor Carrier Division

Recommended by:

Amadeo Lopez  
Executive Director

**112194 MAR 25 10**

Minute  
Number

Date  
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §28.100, §28.101, §28.102, §28.111, §28.201, and  
4 §28.202, all concerning oversize and overweight vehicles and  
5 loads.

6

7 EXPLANATION OF PROPOSED AMENDMENTS

8 These amendments are proposed to address statutory changes from  
9 the 81st Legislative Session, 2009, and to address updates to  
10 the current oversize, overweight permit process. Statutory  
11 changes were made to the optional permitting procedures for  
12 Chambers County. Other amendments address changes needed to  
13 improve compliance issues.

14

15 Changes are made to §§28.100 - 28.102 regarding optional permits  
16 issued by Chambers County. House Bill 4594, 81st Legislature,  
17 Regular Session, 2009 amended Transportation Code, §623.252 to  
18 increase the list of roads for which the county can issue  
19 oversize and overweight permits.

20

21 Amendments to §28.100, Purpose, correct a statutory reference to  
22 the subchapter relating to Chambers County and replace the list  
23 of roads for which Chambers County can issue permits for the  
24 movement of oversize and overweight vehicles and loads with the  
25 appropriate statutory reference to insure that the reference is

1 always accurate.

2

3 Amendments to §28.101, Responsibilities, address the new roads  
4 and restructure the provisions of that section to more closely  
5 follow the optional permitting process. The amendments add new  
6 subsection (a), which essentially contains the language in the  
7 current §28.101(g)(2) and additionally provides the load  
8 dimension requirements. The substance was moved from current  
9 §28.101(g)(2) to a position more toward the beginning of the  
10 section because of its importance in relation to the other  
11 provisions of the section. The load dimension information is  
12 added to clearly present the statutory limitations on the  
13 county's authority to issue permits.

14

15 New §28.101(b) sets out the responsibilities of Chambers County  
16 relating to the collection and use of permit fees. The  
17 subsection contains the substance of current §28.101(g)(1)  
18 modified to reflect the provisions of Transportation Code,  
19 §623.254(b). The subsection requires the county to collect  
20 permit fees and to deposit into the State Highway Fund the  
21 permit fees collected, minus administrative fees. The  
22 subsection also provides that the permit fee and administration  
23 costs, not to exceed 15 percent of each fee, will be established  
24 by the agreement between the county and the department.  
25 Finally, the subsection states that, in accordance with statute,

1 the department will use the money deposited by the county to  
2 maintain and improve the affected highways.

3

4 The amendments to §28.101 redesignate subsection (a) as  
5 subsection (c) and change the substance to reflect the addition  
6 of new eligible highways in Transportation Code, §623.252. They  
7 also clarify that the purpose of the surety bond is to ensure  
8 that the department can recover all maintenance costs. These  
9 changes bring the rule into compliance with the statute.

10

11 The amendments to §28.101 redesignate subsections (b), (c), (e),  
12 and (f) as subsections (d), (e), (g), and (h) respectively,  
13 without change.

14

15 The amendments to §28.101 redesignate subsection (d) as  
16 subsection (f), make non-substantive editing changes for  
17 clarity, and conform a cross reference to reflect a change in  
18 designation as made by the amendments.

19

20 The amendments to §28.101 delete subsection (g) because the  
21 substance of that subsection is moved to subsections (a) and (b)  
22 for the reasons noted in the explanation of those subsections.

23

24 The amendments to §28.101 redesignate subsection (h) as  
25 subsection (i) and amend the language to address the county's

1 ability to pay for maintenance if it does not collect and  
2 deposit into the State Highway Fund a sufficient amount to cover  
3 the department's maintenance costs for the subject roads. This  
4 will allow the county to pay any deficiency before the  
5 department files against the surety bond. This change will  
6 streamline the maintenance process and reflects the current  
7 procedure with the county. The reference to the specific  
8 highways that are subject to the subchapter is deleted to  
9 eliminate unnecessary redundancy.

10

11 The amendments to §28.101 redesignate subsection (i) as  
12 subsection (j) without change.

13

14 Amendments to §28.102(a) address the information that must be  
15 included on the permit. The amendments to §28.102 change the  
16 heading of subsection (a) to better describe the subject of the  
17 subsection. The permit includes axle information to provide  
18 both the permit holder and enforcement officials the exact axle  
19 dimensions to improve compliance. The amendments also delete  
20 §28.102(a)(4) that required a statement of the kind of cargo  
21 being transported. Subsequent paragraphs are renumbered. A  
22 separate requirement for the kind of cargo is not necessary when  
23 new §28.102(a)(5) requires the kind and weight of each commodity  
24 and the load dimensions of the vehicle or the commodity being  
25 transported. Having both paragraphs is repetitive and

1 unnecessary. The amendments to §28.102(a)(7) make conforming  
2 statutory changes to road references for accuracy.

3  
4 The amendments to §28.102 change the heading of subsection (b)  
5 to better describe the subject of the subsection.

6  
7 The amendments move the substance of the last sentence of  
8 subsection (h)(3) to a new subsection (i) to emphasize the duty  
9 of the county to maintain the records required under 43 TAC  
10 Chapter 28, Subchapter H.

11  
12 The amendments to §28.102 redesignate subsection (i) as  
13 subsection (j) and substitute a general reference for the  
14 specific listing of the roads affected to eliminate redundancy.

15  
16 Section §28.111, Applicability, is amended to include the person  
17 who loads the vehicle as someone who is subject to compliance  
18 with the rules. Under Transportation Code, §621.503 it is a  
19 violation to load or cause to be loaded a vehicle for operation  
20 on a state highway that exceeds the weight limitations. Under  
21 the department's compliance procedures the person who loaded the  
22 vehicle was not included, which created problems with  
23 enforcement. Transportation Code, §623.271 authorizes the  
24 department to take administrative actions for violations of  
25 Transportation Code, Chapter 621, therefore, the rules need to

1 apply to the person who loads the vehicle. This change will  
2 help address that oversight in the current rule.

3

4 Section 28.201, Investigations and Inspections of Records, is  
5 amended to clarify where records must be kept and the time in  
6 which they must be made available to the department. Under the  
7 current rules all records are required to be maintained at the  
8 person's principal place of business. The department has  
9 determined that this requirement is unnecessary and does not  
10 reflect standard industry procedures. The section has been  
11 amended to provide that the person may maintain records at their  
12 principal place of business or at a location within the state  
13 that is mutually agreed to by the department and the person. If  
14 the principal place of business is outside of the state, the  
15 person must make the records available for inspection at a  
16 location within the state or may make them available outside the  
17 state if the person reimburses the department for all travel  
18 expenses necessary to inspect the records at that location. The  
19 changes provide that if the records are held out of state or at  
20 a place other than the person's principle place of business in  
21 this state, the records must be available within 48 hours of the  
22 request. This change is needed to allow the person time to  
23 gather the records. If the records are held at the principal  
24 place of business in this state, the department will have  
25 immediate access to the records for inspection. These

1 amendments will alleviate problems that have occurred under the  
2 current section. The amendments delete the term "document" in  
3 §28.201(a)(1) for consistency within the subchapter. "Document"  
4 is unnecessary because it is included within the term "record,"  
5 which is used throughout the subchapter.

6  
7 Section 28.202, Records, is amended to remove language that  
8 requires all records to be maintained at the principal place of  
9 business to coincide with the changes made to 43 TAC §28.201.  
10 The amendments also provide that driver time cards and logs  
11 shall be maintained for not less than six months instead of the  
12 two years, as currently required. This change is made because  
13 the department has determined that holding these types of  
14 records for two years is unnecessary for enforcement purposes  
15 and that six months is in line with industry standards.

16  
17 FISCAL NOTE

18 James Bass, Chief Financial Officer, has determined that for  
19 each of the first five years the amendments as proposed are in  
20 effect, there will be no fiscal implications for state or local  
21 governments as a result of enforcing or administering the  
22 amendments.

23  
24 Carol Davis, Director, Motor Carrier Division, has certified  
25 that there will be no significant impact on local economies or



1 overall employment as a result of enforcing or administering the  
2 amendments.

3

4 PUBLIC BENEFIT AND COST

5 Ms. Davis has also determined that for each year of the first  
6 five years the sections are in effect, the public benefit  
7 anticipated as a result of enforcing or administering the  
8 amendments will be the implementation of new legislative  
9 requirements for motor carriers and a more streamlined  
10 administrative process for the enforcement of oversize and  
11 overweight permits.

12

13 There are no anticipated economic costs for persons required to  
14 comply with the sections as proposed. There will be no adverse  
15 economic effect on small businesses.

16

17 SUBMITTAL OF COMMENTS

18 Written comments on the proposed amendments to §§28.100 -  
19 28.102, 28.111, 28.201, and 28.202 may be submitted to Carol  
20 Davis, Director, Motor Carrier Division, Texas Department of  
21 Transportation, 125 East 11th Street, Austin, Texas 78701-2483.  
22 The deadline for receipt of comments is 5:00 p.m. on May 10,  
23 2010.

24

1 STATUTORY AUTHORITY

2 The amendments are proposed under Transportation Code, §201.101,  
3 which provides the commission with the authority to establish  
4 rules for the conduct of the work of the department, and more  
5 specifically, Transportation Code, §623.259, which authorizes  
6 the commission to adopt rules necessary to implement  
7 Transportation Code, Chapter 623, Subchapter M.

8

9 CROSS REFERENCE TO STATUTE

10 Transportation Code, Chapter 623, Subchapter M; and  
11 Transportation Code, §623.271.

1 SUBCHAPTER H. CHAMBERS COUNTY PERMITS

2 §28.100. Purpose. In accordance with Transportation Code,  
3 Chapter 623, Subchapter M [~~K~~], the commission may authorize  
4 Chambers County, Texas to issue permits for the movement of  
5 oversize and overweight vehicles and loads on the roads  
6 designated by Transportation Code, §623.252(b)(1) [~~Farm to~~  
7 ~~Market Road 1405 and the frontage road of State Highway 99~~  
8 ~~located in the Cedar Crossing Business Park~~]. This subchapter  
9 sets forth the requirements and applicable procedures for the  
10 issuance of permits by Chambers County for the movement of  
11 oversize and overweight vehicles.

12  
13 §28.101. Responsibilities.

14 (a) Authority to issue permits. Chambers County may issue  
15 a permit for a vehicle or vehicle combination that exceeds the  
16 vehicle size or weight limits specified by Transportation Code,  
17 Chapter 621, Subchapters B and C but does not exceed loaded  
18 dimensions of 12' wide, 16' high, or 110' long, or 100,000  
19 pounds gross weight for travel on the roads designated by  
20 Transportation Code, §623.252(b)(1).

21 (b) Permit fees and administrative costs. Chambers County  
22 shall collect a fee for each permit issued under this  
23 subchapter. The permit fee may not exceed \$80 per trip.

1 Chambers County may retain an amount up to 15 percent of each  
2 permit fee to cover costs of administering the program. The  
3 permit fee and administration costs shall be established by the  
4 agreement between the department and Chambers County. Chambers  
5 County shall deposit the permit fees collected, less  
6 administrative cost amounts authorized, in the State Highway  
7 Fund. The department will use those amounts for the maintenance  
8 and improvement of the roads designated by Transportation Code,  
9 §623.252(b)(1).

10 (c) [(a)] Surety bond. The department may require Chambers  
11 County to post a surety bond in the amount of \$500,000 for the  
12 purpose of reimbursing the department the amount equal to the  
13 [for] actual maintenance costs of roads designated by  
14 Transportation Code, §623.252(b)(1) less the amount that  
15 Chambers County deposits in the State Highway Fund under  
16 subsection (b) of this section [~~Farm to Market Road 1405 and the~~  
17 ~~frontage road of State Highway 99 located in the Cedar Crossing~~  
18 ~~Business Park in the event that sufficient revenue is not~~  
19 ~~collected from permits issued under this subchapter].~~

20 (d) [(b)] Verification of permits. All permits issued by  
21 Chambers County shall be carried in the permitted vehicle.  
22 Chambers County shall provide access for verification of permit  
23 authenticity by law enforcement and department personnel.

1        (e) [~~(e)~~] Training. Chambers County shall secure any  
2 training necessary for personnel to issue permits under this  
3 subchapter. The department may provide assistance with training  
4 upon request by Chambers County.

5        (f) [~~(d)~~] Accounting. The department shall develop  
6 accounting procedures related to permits issued under this  
7 subchapter. Chambers County shall comply with those accounting  
8 procedures for the purpose of revenue collections and any  
9 payment made to the department under subsection (i) [~~(h)~~] of  
10 this section.

11        (g) [~~(e)~~] Audits. The department may conduct annual audits  
12 of all Chambers County permit activities or upon direction by  
13 the executive director. In order to insure compliance, audits  
14 will at a minimum include a review of all permits issued,  
15 financial transaction records related to permit issuance, review  
16 of vehicle scale weight tickets, and monitoring of personnel  
17 issuing permits under this subchapter.

18        (h) [~~(f)~~] Revocation of authority to issue permits. If the  
19 department determines as a result of an audit that Chambers  
20 County is not complying with this subchapter, the executive  
21 director will issue a notice to Chambers County allowing 30 days  
22 to correct any non-compliance issue. If after 30 days it is  
23 determined that Chambers County is not in compliance, then the

1 executive director may revoke Chambers County's authority to  
2 issue permits.

3 (1) Upon notification that its authority to issue permits  
4 under this subchapter has been revoked, Chambers County may  
5 appeal the revocation to the commission in writing.

6 (2) In cases where a revocation is being appealed,  
7 Chambers County's authority to issue permits under this  
8 subchapter shall remain in effect until the commission makes a  
9 final decision regarding the appeal.

10 (3) Upon revocation of authority to issue permits,  
11 termination of the maintenance contract, or expiration of this  
12 subchapter, all permit fees collected by Chambers County, less  
13 allowable administrative costs, shall be paid to the department.

14 [~~(g) Permit fees. Permit fees collected under this~~  
15 ~~subchapter shall be used solely to provide funds for the~~  
16 ~~payments provided for under Transportation Code, §623.253, less~~  
17 ~~administrative costs.]~~

18 [~~(1) The permit fee shall not exceed \$80 per trip.~~  
19 ~~Chambers County may retain up to 15% of such permit fees for~~  
20 ~~administrative costs, and the balance of the permit fees shall~~  
21 ~~be deposited in the state highway fund to be used for~~  
22 ~~maintenance of Farm to Market Road 1405 and the frontage road of~~  
23 ~~State Highway 99 located in the Cedar Crossing Business Park.]~~

1           ~~[(2) Chambers County may issue a permit and collect a fee~~  
2 ~~for a permit issued under this subchapter for any vehicle or~~  
3 ~~vehicle combination exceeding vehicle size or weight as~~  
4 ~~specified by Transportation Code, Chapter 621, Subchapters B and~~  
5 ~~C traveling only on Farm-to-Market Road 1405 and the frontage~~  
6 ~~road of State Highway 99 located in the Cedar Crossing Business~~  
7 ~~Park.]~~

8           (i) [(h)] Maintenance payments [contract]. If Chambers  
9 County does not deposit in the State Highway Fund under  
10 subsection (b) of this section sufficient amounts to reimburse  
11 the department for the payment of the costs of maintenance of  
12 the highways that are designated by Transportation Code,  
13 §623.252(b)(1), Chambers County may pay the deficiency in lieu  
14 of the department's filing against the surety bond provided  
15 under subsection (c) of this section for that amount. [~~Chambers~~  
16 ~~County shall enter into a maintenance contract with the~~  
17 ~~department for the maintenance of Farm-to-Market Road 1405 and~~  
18 ~~the frontage road of State Highway 99 located in the Cedar~~  
19 ~~Crossing Business Park.]~~

20           ~~[(1)]~~ Maintenance includes ~~[shall include, but is not~~  
21 ~~limited to,]~~ routine maintenance, preventive maintenance, and  
22 total reconstruction of the roadway and bridge structures as  
23 determined by the department to maintain the current level of

1 service.

2 ~~[-(2) Chambers County may make direct restitution to the~~  
3 ~~department for actual maintenance costs in lieu of the~~  
4 ~~department filing against the surety bond described in~~  
5 ~~subsection (a) of this section, in the event that sufficient~~  
6 ~~revenue is not collected.]~~

7 (j) ~~[-(i)]~~ Reporting. Chambers County shall provide monthly  
8 and annual reports to the department's Finance Division  
9 regarding all permits issued and fees collected. The report  
10 must be in a format approved by the department.

11

12 §28.102. Permit Issuance Requirements and Procedures.

13 (a) Permit contents ~~[application]~~. A ~~[Application for a]~~  
14 permit issued under this subchapter shall be in a form approved  
15 by the department, and shall at a minimum include:

16 (1) the name of the applicant;

17 (2) date of issuance;

18 (3) signature of the designated agent of Chambers County;

19 ~~[-(4) a statement of the kind of cargo being transported;]~~

20 (4) ~~[-(5)]~~ the maximum weight and dimensions of the

21 proposed vehicle combination including the number of tires on

22 each axle, tire size for each axle, distance between each axle,

23 measured from center of axle to center of axle, and the specific



1 weight of each individual axle when loaded;

2       (5) [(+6)] a statement of the kind and weight of each  
3 commodity to be transported, not to exceed loaded dimensions of  
4 12' wide, 16' high, or 110' long, or 100,000 pounds gross  
5 weight;

6       (6) [(+7)] a statement of any condition on which the  
7 permit is issued;

8       (7) [(+8)] a statement that the cargo may [shall] be  
9 transported in Chambers County only over the roads that are  
10 described by Transportation Code, §623.652(b)(1) [over the most  
11 direct route using only Farm to Market Road 1405 and the  
12 frontage road of State Highway 99 located in the Cedar Crossing  
13 Business Park];

14       (8) [(+9)] the location where the cargo was loaded; and

15       (9) [(+10)] the date or dates on which movement authorized  
16 by the permit is allowed.

17       (b) Permit use and validity [issuance].

18       (1) General.

19       (A) The original permit must be carried in the vehicle  
20 for which it is issued.

21       (B) A permit is void when an applicant:

22           (i) gives false or incorrect information;

23           (ii) does not comply with the restrictions or

1 conditions stated in the permit; or

2 (iii) changes or alters the information on the  
3 permit.

4 (C) A permittee may not transport an overdimension or  
5 overweight load with a voided permit.

6 (2) Payment of permit fee. Chambers County may determine  
7 acceptable methods of payment. All fees transmitted to the  
8 department must be in U.S. currency.

9 (c) Maximum permit weight limits.

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

14 (2) Two or more consecutive axle groups must have an axle  
15 spacing of 12 feet or greater, measured from the center of the  
16 last axle of the preceding group to the center of the first axle  
17 of the following group, in order for each group to be permitted  
18 for maximum permit weight.

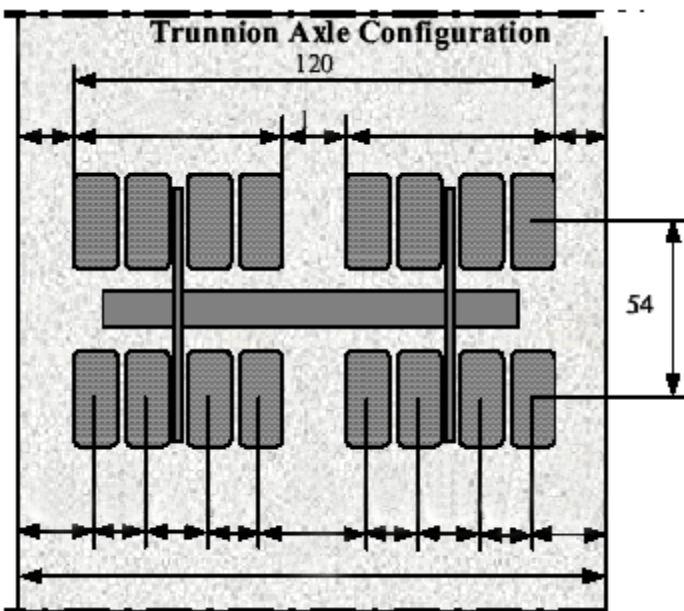
19 (3) Maximum permit weight for an axle or axle group is  
20 based on 650 pounds per inch of tire width or the following axle  
21 or axle group weights, whichever is the lesser amount;

22 (A) single axle--25,000 pounds;

23 (B) two axle group--46,000 pounds;

- 1 (C) three axle group--60,000 pounds;  
2 (D) four axle group--70,000 pounds;  
3 (E) five axle group--81,400 pounds;  
4 (F) trunnion axles--60,000 pounds if:  
5 (i) the trunnion configuration has two axles;  
6 (ii) there are a total of 16 tires for a trunnion  
7 configuration; and  
8 (iii) the trunnion axle as shown in the following  
9 diagram is 10 feet in width.

10 Figure: 43 TAC §28.102(c)(3)(F)(iii)



- 11  
12 (4) A permit issued under this subchapter does not  
13 authorize the vehicle to exceed manufacturer's tire load rating.  
14 (d) Vehicles exceeding weight limits. Any vehicle  
15 exceeding weight limits outlined in subsection (c) of this

1 section, shall apply directly to the department for an oversize  
2 or overweight permit in accordance with §28.11 of this chapter  
3 (relating to General Oversize/Overweight Permit Requirements and  
4 Procedures).

5 (e) Registration. Any vehicle or combination of vehicles  
6 permitted under this subchapter shall be registered in  
7 accordance with Transportation Code, Chapter 502.

8 (f) Travel conditions. Movement of a permitted vehicle is  
9 prohibited when visibility is reduced to less than 2/10 of one  
10 mile or the road surface is hazardous due to weather conditions  
11 such as rain, ice, sleet, or snow, or highway maintenance or  
12 construction work.

13 (g) Daylight and night movement restrictions. An oversize  
14 permitted vehicle may be moved only during daylight hours;  
15 however, an overweight only permitted vehicle may be moved at  
16 any time.

17 (h) Restrictions.

18 (1) Any vehicle issued a permit by Chambers County must  
19 be weighed on scales capable of determining permitted loaded  
20 gross vehicle weights and individual axle loads. For the  
21 purpose of ensuring the accuracy of the permit, the scales must  
22 be certified by the Texas Department of Agriculture.

23 (2) A copy of the certified weight ticket shall be

1 retained by Chambers County and become a part of the official  
2 permit record subject to inspection by department personnel or  
3 Texas Department of Public Safety personnel.

4 (3) The owner of a vehicle permitted under this  
5 subchapter must be registered as a motor carrier in accordance  
6 with Transportation Code, Chapters 643 or 645, prior to the  
7 oversize or overweight permit being issued. [~~Chambers County~~  
8 ~~shall maintain records relative to this subchapter, which are~~  
9 ~~subject to audit by department personnel.~~]

10 (4) Permits issued by Chambers County shall be in a form  
11 prescribed by the department.

12 (5) The maximum speed for a permitted vehicle shall be 55  
13 miles per hour or the posted maximum, whichever is less.

14 (i) Records. Chambers County shall maintain records  
15 relative to this subchapter, which are subject to audit by  
16 department personnel.

17 (j) [(+)] Issuing entity. A motor carrier transporting  
18 loads that fall within the size and weight limits of §28.101 of  
19 this subchapter (relating to Responsibilities) on trips  
20 originating and terminating within the Cedar Crossing Business  
21 Park using a road designated by Transportation Code,  
22 §623.252(b)(1) [Farm to Market Road 1405 or the frontage road of  
23 State Highway 99] must obtain a permit from Chambers County.

1 SUBCHAPTER I. COMPLIANCE

2 §28.111. Applicability.

3 (a) A person operating or loading a vehicle for which a  
4 permit under this chapter is required shall comply with all  
5 applicable terms, conditions, and requirements of the permit,  
6 and with this chapter and Transportation Code, Chapters 621,  
7 622, or 623 as applicable.

8 (b) A person loading a vehicle or operating on a public  
9 road or highway a vehicle for which a permit under this chapter  
10 is not required shall comply with the weight and size provisions  
11 of Transportation Code, Chapters 621, 622, or 623.

12 (c) Gross weight registration. A person may not operate on  
13 a highway or public road a vehicle that exceeds its gross weight  
14 registration.

1 SUBCHAPTER J. RECORDS AND INSPECTIONS

2 §28.201. Investigations and Inspections of Records.

3 (a) Inspections.

4 (1) A person shall give an inspector access to the  
5 person's premises to conduct inspections or investigations of an  
6 alleged violation of this chapter or Transportation Code,  
7 Chapters 621, 622, or 623. The person shall provide adequate  
8 workspace with reasonable working conditions and shall allow the  
9 inspector to copy and verify records [~~and documents~~].

10 (2) The inspector will conduct inspections and  
11 investigations during normal business hours unless mutual  
12 arrangements have been made otherwise.

13 (3) The inspector will present to the person the  
14 inspector's credentials and a written statement from the  
15 department indicating the inspector's authority to conduct the  
16 investigation.

17 (b) Access. [~~A person shall provide access to requested~~  
18 ~~records and documents at:~~]

19 (1) Except as provided by paragraph (2) of this  
20 subsection, a person shall provide access to requested records  
21 at:

22 (A) [+1+] the person's principal place of business; or

23 (B) [+2+] a location in this state agreed to by the

1 department and the person.

2 (2) If the person's principal place of business is located  
3 outside of this state, the person may choose to make the records  
4 available at an out-of-state location agreed to by the  
5 department and the person but only if the person agrees to  
6 reimburse the department for necessary travel expenses and for a  
7 per diem as set by legislative appropriation for each day that  
8 an inspection or investigation related to the records or  
9 information is conducted.

10 (3) If the requested records are maintained at the  
11 person's principal place of business in this state, the person  
12 shall make those records available to the inspector immediately  
13 after the department requests the records. If the records are  
14 maintained at a regional office or driver work-reporting  
15 location or if the person's principal place of business is  
16 located outside of this state, the person shall make the records  
17 available at the person's principal place of business or the  
18 agreed location at a time agreed to by the department and the  
19 person within 48 hours after the time that the department makes  
20 the request. Saturdays, Sundays, and federal and state holidays  
21 are excluded from the computation of the 48-hour period.

22 (c) If a time or [~~and~~] location cannot be agreed upon under  
23 subsection (b) of this section, the department shall designate



1 the time or [~~and~~] location by certified mail or facsimile.

2

3 §28.202. Records.

4 (a) General records to be maintained. Each person who is  
5 subject to this chapter shall maintain the following records [~~at~~  
6 ~~its principal place of business in this state~~]:

7 (1) operational logs, insurance certificates, and  
8 documents to verify the person's operations;

9 (2) complete and accurate records of services performed;  
10 and

11 (3) all certificate of title documents, shipper's  
12 certificate of weight, including information used to support the  
13 shipper's certificate of weight, weight tickets, permits for  
14 oversize or overweight vehicles and loads, dispatch records,  
15 load tickets, waybill or any other document that verify the  
16 operations of the vehicle to determine the actual weight,  
17 insurance coverage, size or capacity of the vehicle, and the  
18 size or weight of the commodity being transported.

19 [~~(b) Location of files. Each person who is subject to this~~  
20 ~~chapter shall maintain at the principal place of business all~~  
21 ~~records and information required by the department.~~]

22 (b) [~~(e)~~] Copies of permits. A copy of the oversize or  
23 overweight permit shall be maintained in the vehicle for which

1 the permit was issued during the period that the permit is  
2 required. On demand by a department inspector or any other  
3 authorized government personnel, the driver of the vehicle shall  
4 present the permit to that person.

5 (c) [~~(d)~~] Preservation and destruction of records. Records  
6 [~~Information~~] required under this section shall be maintained  
7 for not less than two years, except that drivers' time cards and  
8 logs shall be maintained for not less than six months [~~at the~~  
9 ~~person's principal business address~~].