

AN ACT

relating to the authority of the Texas Transportation Commission to establish variable speed limits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.353, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) The commission by rule may establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit. Notice of a speed limit established under the program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013. The program may not authorize the lowering of a speed limit to divert traffic to a toll road for the purpose of increasing revenue from toll charges. A speed limit that is established under the program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the Texas Department of Transportation determines necessary;

(3) may not be less than 10 miles per hour below the prima facie speed limit on the portion of the highway to which it

1 applies; and

2 (4) is effective only when the speed limit is posted  
3 and only if a sign notifying motorists of the change in speed limit  
4 is posted not less than 500 feet but not more than 1,000 feet before  
5 the point at which the speed limit begins.

6 SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1885 was passed by the House on May 3, 2023, by the following vote: Yeas 99, Nays 47, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1885 was passed by the Senate on May 17, 2023, by the following vote: Yeas 25, Nays 6.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor