

## **BILL ANALYSIS**

C.S.S.B. 193  
By: Barrientos  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, under Texas law there are no guidelines or penalties relating to vehicles passing certain stationary emergency vehicles on a highway. The objective of this bill is to prevent injuries and fatalities during roadside emergencies and traffic stops by mandating that drivers move over or slow to a safe speed.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency or institution.

### **ANALYSIS**

SECTION 1. Entitles this bill the "Move Over Act."

SECTION 2. Amends Subchapter D, Chapter 545 of the Transportation Code by adding Sec. 545.157 as follows:

Sec. 545.157. PASSING AUTHORIZED EMERGENCY VEHICLE. (a) Requires a vehicle operator approaching a stationary authorized emergency vehicle using flashing lights, on a highway with two or more lanes traveling in the same direction, to vacate the lane closest to the emergency situation or slow to 20 mph below the speed limit or 5 mph when the posted limit is less than 25 mph.

(b) Establishes that a violation of this section is a misdemeanor punishable by a fine of not less than \$1 nor more than \$200 under Section 542.401. A violation resulting in property damage is punishable by a fine of \$500. A violation resulting in bodily injury is a Class B misdemeanor.

(c) Provides that if an offense under this section is also an offense under another section of the Transportation Code or Penal Code, the actor may be prosecuted under either or both sections.

SECTION 3. Establishes the effective date of September 1, 2003.

### **EFFECTIVE DATE**

September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

SB 193 does not cite a title of the bill. C.S. SB 193 entitles the bill, "Move Over Act."

SB 193 uses more subjective language--"if possible to do so safely under the traffic conditions"-- when

establishing that a vehicle operator must vacate the closest lane to the emergency vehicle.  
C.S. SB 193 strikes this language to establish a more objective requirement for the vehicle operator.

SB 193 establishes that speed should be reduced and a safe speed maintained if vacating a lane is impossible. CSSB 193 specifies the exact amount speed should be reduced for purposes of enforcement.

SB 193 provides that a violation is a misdemeanor punishable by fine under Section 542.401 of the Transportation Code. A violation resulting in property damage is a Class B misdemeanor and a violation resulting in bodily injury is a Class A misdemeanor.

The committee substitute is the same in that a violation results in a misdemeanor under Section 542.401. The substitute establishes that a violation resulting in property damage is a misdemeanor punishable by a fine of \$500. A violation resulting in bodily injury is a Class B misdemeanor.