

## **BILL ANALYSIS**

H.B. 1481  
By: Gattis  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to the National Weather Service, nearly half of all flood related deaths occur in vehicles. Most of these deaths are totally preventable if motorists would obey barricades placed to prevent driving into flooded low water crossings. Motorists who attempt to cross these flooded low-water crossings are putting themselves, occupants of their vehicles and emergency rescue personnel at deadly risk.

Most vehicles will become buoyant in two feet of water or far less depending on the weight of the vehicle. An increase of an inch of rising water can sweep a car down stream. Further, drivers of sport utility vehicles often have a false sense of security in that they erroneously believe that these warnings be ignored because their vehicles can drive off road.

People who require rescue because of their failure to obey these warnings cost taxpayer monies to be expended every time rescue personnel are called to the scene. These emergency calls, albeit totally preventable, stretch thin the limited 911 resources, and thus adversely impact, the rescue personnel's ability to respond to other emergencies, such as heart attacks.

House Bill 1481 strengthens and clarifies current law by stating that it is an offense to drive around a barricade and adding the term "dangerous conditions." In addition, the bill makes driving around a low water barricade a Class B misdemeanor.

The purpose for elevating the punishment level is two-fold: 1) deter commission of the offense; and 2) allow a judge to order restitution for the expenditure of taxpayer monies in summoning the rescue personnel to the scene. Currently, the offense is a Class C misdemeanor and violations are typically heard by a justice of the peace. However, justice courts do not have the authority to order restitution. By elevating the offense to a Class B misdemeanor, jurisdiction moves to a county court at law or a district court which has the legal authority to order restitution.

The goal of House Bill 1481 is to promote traffic safety.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

SECTION 1. The heading to Section 472.022, Transportation Code, is amended to include the word barricades.

SECTION 2. Amends Section 472.022(a), (d), and (e), Transportation Code, as follows:  
Amends Section 472.022(a), Transportation Code, by adding Subdivision 2 which provides that a person commits an offense if the person drives around a barricade. Amends Section 472.022(d) by adding Subdivision 2 which provides that if a person commits an offense under Subsection (a) where a warning sign or barricade has been placed because water is over any portion of a road, street, or highway, the offense is a Class B misdemeanor. Amends Section 472.022(e) by adding the words "during" and "dangerous conditions."

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.