

BILL ANALYSIS

H.B. 1484
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the current provision, if a person refuses to move his or her vehicle that can be safely driven following a vehicle accident on a metropolitan freeway, the offense is punishable as a Class C misdemeanor if the damage to all vehicles is less than \$200 or as a Class B misdemeanor if the damage to all vehicles is greater than \$200.

Most vehicular accidents result in damage of more than \$200, requiring most applications of this law to be handled as Class B misdemeanors. Furthermore, the current law is unduly harsh. Its application would result in a citizen who was just involved in an accident, for which he or she may not have been at fault, being arrested and charged with a Class B misdemeanor for failing to remove their vehicle. Police departments have been reluctant to enforce this high penalty. Reducing the law to a Class C misdemeanor will result in better flowing traffic on congested metropolitan freeways through a combination of a public education campaign and enforcement efforts.

H.B. 1484 relates to the penalty for failing to perform certain duties following a vehicle accident.

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

House Bill 1484 amends Section 550.022, Transportation Code, by adding Subsection (c-1). The new section creates a Class C misdemeanor for those individuals who do not move their vehicles to the frontage road, a designated accident investigation site (if available) or the nearest cross street as soon as possible following a vehicle accident to complete the required exchange of information and minimize interference with freeway traffic.

This section applies only to vehicles involved in an accident on a main lane, ramp, shoulder, median, or adjacent area of a freeway in a metropolitan area and to those vehicles that can be normally and safely driven.

EFFECTIVE DATE

This Act takes effect September 1, 2005.