

AN ACT

relating to the use, sale, purchase, or possession of a traffic-control signal preemption device; providing criminal penalties.

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

SECTION 1. Chapter 544, Transportation Code, is amended by adding Section 544.0055 to read as follows:

Sec. 544.0055. TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE; OFFENSE. (a) In this section, "traffic-control signal preemption device" means a device designed, intended, or used to interfere with or alter the operation of a traffic-control signal.

(b) Except as provided by Subsection (e), a person commits an offense if the person uses, sells, offers for sale, purchases, or possesses for use or sale a traffic-control signal preemption device.

(c) The possession of a traffic-control signal preemption device creates the presumption that the person possessed the device for use or sale.

(d) An offense under this section is a Class C misdemeanor.

(e) This section does not apply to:

(1) a person who provides fire-fighting, law enforcement, ambulance, medical, or other emergency services in the course of providing those services;

(2) a manufacturer, wholesaler, or retailer of

1 traffic-control signal preemption devices in the course of
2 manufacturing, selling, providing, or transporting a
3 traffic-control signal preemption device to a person described by
4 Subdivision (1); or

5 (3) a transit vehicle operated by an authority under
6 Chapter 451 or 452 or a transit department under Chapter 453.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 364 was passed by the House on March 31, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 364 on May 16, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 364 was passed by the Senate, with amendments, on May 3, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor