

1-1 By: Hegar, Guillen (Senate Sponsor - Brimer) H.B. No. 364
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; April 25, 2005, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; April 25, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. NO. 364 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use, sale, purchase, or possession of a
1-11 traffic-control signal preemption device; providing criminal
1-12 penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 544, Transportation Code, is amended by
1-15 adding Section 544.0055 to read as follows:

1-16 Sec. 544.0055. TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE;
1-17 OFFENSE. (a) In this section, "traffic-control signal preemption
1-18 device" means a device designed, intended, or used to interfere
1-19 with or alter the operation of a traffic-control signal.

1-20 (b) Except as provided by Subsection (e), a person commits
1-21 an offense if the person uses, sells, offers for sale, purchases, or
1-22 possesses for use or sale a traffic-control signal preemption
1-23 device.

1-24 (c) The possession of a traffic-control signal preemption
1-25 device creates the presumption that the person possessed the device
1-26 for use or sale.

1-27 (d) An offense under this section is a Class C misdemeanor.

1-28 (e) This section does not apply to:

1-29 (1) a person who provides fire-fighting, law
1-30 enforcement, ambulance, medical, or other emergency services in the
1-31 course of providing those services;

1-32 (2) a manufacturer, wholesaler, or retailer of
1-33 traffic-control signal preemption devices in the course of
1-34 manufacturing, selling, providing, or transporting a
1-35 traffic-control signal preemption device to a person described by
1-36 Subdivision (1); or

1-37 (3) a transit vehicle operated by an authority under
1-38 Chapter 451 or 452 or a transit department under Chapter 453.

1-39 SECTION 2. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2005.

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