

AN ACT

relating to the offense of disobeying certain motor vehicle traffic warning devices.

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

SECTION 1. The heading to Section 472.022, Transportation Code, is amended to read as follows:

Sec. 472.022. OBEYING WARNING SIGNS AND BARRICADES.

SECTION 2. Sections 472.022(a), (d), and (e), Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person:

(1) disobeys the instructions, signals, warnings, or markings of a warning sign; or

(2) drives around a barricade.

(d) An offense under this section is a misdemeanor punishable by a fine of not less than \$1 or more than \$200, except that:

(1) if the offense is committed in a construction or maintenance work zone when workers are present and any written notice to appear issued for the offense states on its face that workers were present when the offense was committed, the offense is a misdemeanor punishable by a fine of not less than \$2 or more than \$400; or

(2) if a person commits an offense under Subsection (a) where a warning sign or barricade has been placed because water

1 is over any portion of a road, street, or highway, the offense is a
2 Class B misdemeanor.

3 (e) In this section:

4 (1) "Barricade" means an obstruction:

5 (A) placed on or across a road, street, or
6 highway of this state by the department, a political subdivision of
7 this state, or a contractor or subcontractor constructing or
8 repairing the road, street, or highway under authorization of the
9 department or a political subdivision of this state; and

10 (B) placed to prevent the passage of motor
11 vehicles over the road, street, or highway during construction,
12 ~~[or]~~ repair, or dangerous conditions.

13 (2) "Construction or maintenance work zone" means a
14 portion of a highway or street:

15 (A) where highway construction or maintenance is
16 being undertaken, other than mobile operations as defined by the
17 Texas Manual on Uniform Traffic Control Devices; and

18 (B) that is marked by signs:

19 (i) indicating that it is a construction or
20 maintenance work zone;

21 (ii) indicating where the zone begins and
22 ends; and

23 (iii) stating: "Fines double when workers
24 present."

25 (3) "Warning sign" means a signal, marking, or device
26 placed on a barricade or on a road, street, or highway during
27 ~~[under]~~ construction, ~~[or]~~ repair, or dangerous conditions by the

1 department, a political subdivision of this state, or a contractor
2 or subcontractor to warn or regulate motor vehicular traffic. The
3 term includes a flagger deployed on a road, street, or highway by
4 the department, a political subdivision of this state, or a
5 contractor or subcontractor to direct traffic around or on the
6 road, street, or highway during ~~[under]~~ construction, ~~[or]~~ repair,
7 or dangerous conditions.

8 SECTION 3. (a) The change in law made by this Act applies
9 only to an offense committed on or after the effective date of this
10 Act. For purposes of this section, an offense is committed before
11 the effective date of this Act if any element of the offense occurs
12 before that date.

13 (b) An offense committed before the effective date of this
14 Act is covered by the law in effect when the offense was committed,
15 and the former law is continued in effect for that purpose.

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

H.B. No. 1481

President of the Senate

Speaker of the House

I certify that H.B. No. 1481 was passed by the House on May 13, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1481 was passed by the Senate on May 24, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor