

By: Gattis

H.B. No. 1481

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 Sec. 472.022. OBEYING WARNING SIGNS AND BARRICADES.

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

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

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

13 (2) drives around a barricade.

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

17 (1) if the offense is committed in a construction or  
18 maintenance work zone when workers are present and any written  
19 notice to appear issued for the offense states on its face that  
20 workers were present when the offense was committed, the offense is  
21 a misdemeanor punishable by a fine of not less than \$2 or more than  
22 \$400; or

23 (2) if a person commits an offense under Subsection  
24 (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.