

1-1 By: Gattis (Senate Sponsor - Wentworth) H.B. No. 1481  
1-2 (In the Senate - Received from the House May 16, 2005;  
1-3 May 17, 2005, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 23, 2005, reported  
1-5 favorably by the following vote: Yeas 5, Nays 0; May 23, 2005,  
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the offense of disobeying certain motor vehicle traffic  
1-10 warning devices.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 472.022, Transportation  
1-13 Code, is amended to read as follows:

1-14 Sec. 472.022. OBEYING WARNING SIGNS AND BARRICADES.

1-15 SECTION 2. Sections 472.022(a), (d), and (e),  
1-16 Transportation Code, are amended to read as follows:

1-17 (a) A person commits an offense if the person:

1-18 (1) disobeys the instructions, signals, warnings, or  
1-19 markings of a warning sign; or

1-20 (2) drives around a barricade.

1-21 (d) An offense under this section is a misdemeanor  
1-22 punishable by a fine of not less than \$1 or more than \$200, except  
1-23 that:

1-24 (1) if the offense is committed in a construction or  
1-25 maintenance work zone when workers are present and any written  
1-26 notice to appear issued for the offense states on its face that  
1-27 workers were present when the offense was committed, the offense is  
1-28 a misdemeanor punishable by a fine of not less than \$2 or more than  
1-29 \$400; or

1-30 (2) if a person commits an offense under Subsection  
1-31 (a) where a warning sign or barricade has been placed because water  
1-32 is over any portion of a road, street, or highway, the offense is a  
1-33 Class B misdemeanor.

1-34 (e) In this section:

1-35 (1) "Barricade" means an obstruction:

1-36 (A) placed on or across a road, street, or  
1-37 highway of this state by the department, a political subdivision of  
1-38 this state, or a contractor or subcontractor constructing or  
1-39 repairing the road, street, or highway under authorization of the  
1-40 department or a political subdivision of this state; and

1-41 (B) placed to prevent the passage of motor  
1-42 vehicles over the road, street, or highway during construction,  
1-43 ~~or~~ repair, or dangerous conditions.

1-44 (2) "Construction or maintenance work zone" means a  
1-45 portion of a highway or street:

1-46 (A) where highway construction or maintenance is  
1-47 being undertaken, other than mobile operations as defined by the  
1-48 Texas Manual on Uniform Traffic Control Devices; and

1-49 (B) that is marked by signs:

1-50 (i) indicating that it is a construction or  
1-51 maintenance work zone;

1-52 (ii) indicating where the zone begins and  
1-53 ends; and

1-54 (iii) stating: "Fines double when workers  
1-55 present."

1-56 (3) "Warning sign" means a signal, marking, or device  
1-57 placed on a barricade or on a road, street, or highway during  
1-58 [under] construction, [or] repair, or dangerous conditions by the  
1-59 department, a political subdivision of this state, or a contractor  
1-60 or subcontractor to warn or regulate motor vehicular traffic. The  
1-61 term includes a flagger deployed on a road, street, or highway by  
1-62 the department, a political subdivision of this state, or a  
1-63 contractor or subcontractor to direct traffic around or on the  
1-64 road, street, or highway during [under] construction, [or] repair,

2-1 or dangerous conditions.

2-2 SECTION 3. (a) The change in law made by this Act applies  
2-3 only to an offense committed on or after the effective date of this  
2-4 Act. For purposes of this section, an offense is committed before  
2-5 the effective date of this Act if any element of the offense occurs  
2-6 before that date.

2-7 (b) An offense committed before the effective date of this  
2-8 Act is covered by the law in effect when the offense was committed,  
2-9 and the former law is continued in effect for that purpose.

2-10 SECTION 4. This Act takes effect September 1, 2005.

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