

By: Deuell

S.B. No. 312

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

19 (d) An offense under this section is a felony of the third  
20 degree.

21 (e) This section does not apply to:

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

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

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