

By: Parker

H.B. No. 3181

Substitute the following for H.B. No. 3181:

By: Haggerty

C.S.H.B. No. 3181

A BILL TO BE ENTITLED

AN ACT

relating to the offense of obstructing emergency vehicles at certain railroad crossings; providing a penalty.

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

SECTION 1. Chapter 471, Transportation Code, is amended by adding Section 471.0075 to read as follows:

Sec. 471.0075. OBSTRUCTING CERTAIN RAILROAD CROSSINGS; OFFENSE. (a) A railway company commits an offense if:

(1) a train of the railway company obstructs for more than 10 minutes a street, railroad crossing, or public highway; and

(2) as a result, an authorized emergency vehicle, as defined by Section 541.201, is prevented from responding to an emergency.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000.

(c) An officer charging a railway company for an offense under this section shall prepare in duplicate a citation to appear in court and attach one copy of the citation to the train or deliver the copy to an employee or other agent of the railway company. The citation must show:

(1) the name of the railway company;

(2) the offense charged; and

(3) the time and place that a representative of the railway company is to appear in court.

1 (d) It is a defense to prosecution under this section that
2 the train obstructs the street, railroad crossing, or public
3 highway because of an act of God or breakdown of the train.

4 (e) The hearing must be before a magistrate who has
5 jurisdiction of the offense in the municipality or county in which
6 the offense is alleged to have been committed.

7 (f) An appearance by counsel complies with the written
8 promise to appear in court.

9 (g) This section applies only to a county that has a
10 population of 425,000 or more and is adjacent to two or more
11 counties, each of which has a population of 1.4 million or more.

12 SECTION 2. This Act takes effect September 1, 2007.