

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 805
By: Quintanilla et al. (Carona)
Transportation & Homeland Security
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some law enforcement agencies allow or require officers to use their personal vehicles, such as cars, trucks, or motorcycles, to prevent and respond to crimes. To supplement family income, many officers also accept employment outside of their primary law enforcement work by serving as funeral escorts and providing traffic safety services at construction sites and congested areas and security at community functions.

Even though law enforcement officers have used personal vehicles for law enforcement work for many years, this practice has never been authorized by law. The lack of statutory authority came to light after the passage of S.B. 11 by the 80th Legislature, Regular Session, 2007. S.B. 11 included a provision from H.B. 937, which exempted "authorized emergency vehicles" from the requirement to pay tolls. It also defined "authorized emergency vehicles" to include a "police vehicle." A police vehicle is defined as a vehicle of a "governmental entity." Thus, a personal vehicle used for law enforcement purposes or contracted for law enforcement purposes is not an "authorized emergency vehicle."

C.S.H.B. 805 amends Section 541.201 (Definitions), Transportation Code, to revise the definition of "authorized emergency vehicles" by striking the requirement that a police vehicle must be owned by a governmental entity. Personal vehicles used as "authorized emergency vehicles" must be authorized by law enforcement agencies in accordance with 170.001 (Regulation of Certain Use of Privately Owned Vehicles), Local Government Code, thereby giving statutory authority to the use of personal vehicles as emergency vehicles. The bill also exempts an authorized emergency vehicle, as defined by the bill, from payment of tolls.

C.S.H.B. 805 relates to the definitions of "police vehicle" and "authorized emergency vehicle" for the purposes of certain traffic laws.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioners court of a county in SECTION 6 (Section 170.001, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 541.201(1) and (13-a), Transportation Code, to redefine "authorized emergency vehicle" and "police vehicle."

SECTION 2. Amends Section 545.421(b), Transportation Code, as follows:

(b) Authorizes a signal under this section that is given by a police officer pursuing a vehicle to be by hand, voice, emergency light, or siren. Requires that the officer giving the signal be in uniform and prominently display the officer's badge of office. Requires that the officer's vehicle bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light, rather than requires that the officer's vehicle be appropriately marked as an official police vehicle.

SECTION 3. Amends Section 284.070, Transportation Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Provides that an authorized emergency vehicle, rather than an authorized emergency vehicle, as defined by Section 541.201 (Vehicles), is exempt from payment of a toll imposed under this chapter regardless of whether the vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle.

(f) Defines "authorized emergency vehicle."

SECTION 4. Amends Section 366.178, Transportation Code, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Makes a conforming change.

(j) Defines "authorized emergency vehicle."

SECTION 5. Amends Sections 370.177(a) and (k), Transportation Code, as follows:

(a) Makes a conforming change.

(k) Defines "authorized emergency vehicle" and "registered owner." Makes a nonsubstantive change.

SECTION 6. Amends Section 170.001(a), Local Government Code, to authorize the commissioners court of a county to adopt rules prohibiting or regulating the use of a privately owned motor vehicle for the performance of county business or law enforcement duties by a sheriff or constable or a deputy or employee of a district attorney, criminal district attorney, county attorney, medical examiner, sheriff, or constable.

SECTION 7. Effective date: upon passage or September 1, 2009.