

BILL ANALYSIS

S.B. 1165
By: Carona
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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

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, 80th Legislature, Regular Session, 2007. S.B. 11 included a provision exempting "authorized emergency vehicles" from the requirement to pay tolls. It also defined authorized emergency vehicle as, among other things, a police vehicle, which is defined as a vehicle of a governmental entity. Thus, a personal vehicle used for law enforcement purposes or for contracted law enforcement purposes is not an authorized emergency vehicle. Also not included in the definition of authorized emergency vehicle are federal law enforcement vehicles; consequently, federal law enforcement officers must pay regular toll rates when conducting law enforcement business.

S.B. 1165 updates the definitions of "police vehicle" and "authorized emergency vehicle" for purposes of provisions regarding the rules of the road and requires a police officer's vehicle to bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light when the officer gives a signal to bring another vehicle to a stop.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1165 amends the Transportation Code to include in the definition of "authorized emergency vehicle," for purposes of provisions regarding rules of the road, a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity. The bill redefines the term "police vehicle" to mean a vehicle used by a peace officer for law enforcement purposes that is owned or leased by a governmental entity; is owned or leased by the police department of a private institution of higher education that commissions peace officers; or is a private vehicle owned or leased by the peace officer and approved for use for law enforcement purposes by the head of the law enforcement agency that employs the peace officer, or by that person's designee.

S.B. 1165 requires a police officer's vehicle, for purposes of provisions regarding the offense of fleeing or attempting to elude a pursuing police vehicle when given a visual or audible signal to bring a vehicle to a stop, to bear the insignia of a law enforcement agency, regardless of whether

the vehicle displays an emergency light, rather than requiring the officer's vehicle to be appropriately marked as an official police vehicle.

EFFECTIVE DATE

September 1, 2009.