

By: Quintanilla, Fletcher, Flynn

H.B. No. 805

Substitute the following for H.B. No. 805:

By: Pickett

C.S.H.B. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to the definitions of police vehicle and authorized emergency vehicle for the purposes of certain traffic laws.

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

SECTION 1. Section 541.201(13-a), Transportation Code, is amended to read as follows:

(13-a) "Police vehicle" means a vehicle ~~[of a governmental entity]~~ primarily used by a peace officer, as defined by Article 2.12, Code of Criminal Procedure, for law enforcement purposes that:

(A) is owned or leased by a governmental entity;

or

(B) is a private vehicle used by the peace officer that:

(i) is 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; and

(ii) if applicable, complies with any rule adopted by the commissioners court of a county under Section 170.001, Local Government Code.

SECTION 2. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e), the operator of a vehicle, other than an authorized emergency vehicle, ~~[as defined by~~

1 ~~Section 541.201,~~] that is driven or towed through a toll collection  
2 facility shall pay the proper toll. The exemption from payment of  
3 a toll for an authorized emergency vehicle applies regardless of  
4 whether the vehicle is:

- 5 (1) responding to an emergency;
- 6 (2) displaying a flashing light; or
- 7 (3) marked as an emergency vehicle.

8 SECTION 3. Section 284.070, Transportation Code, is amended  
9 by amending Subsection (e) and adding Subsection (f) to read as  
10 follows:

11 (e) An authorized emergency vehicle [~~, as defined by Section~~  
12 ~~541.201,~~] is exempt from payment of a toll imposed under this  
13 chapter regardless of whether the vehicle is:

- 14 (1) responding to an emergency;
- 15 (2) displaying a flashing light; or
- 16 (3) marked as an emergency vehicle.

17 (f) In this section, "authorized emergency vehicle" has the  
18 meaning assigned by Section 541.201.

19 SECTION 4. Section 366.178, Transportation Code, is amended  
20 by amending Subsection (a) and adding Subsection (j) to read as  
21 follows:

22 (a) A motor vehicle other than an authorized emergency  
23 vehicle [~~, as defined by Section 541.201,~~] that passes through a  
24 toll collection facility, whether driven or towed, shall pay the  
25 proper toll. The exemption from payment of a toll for an  
26 authorized emergency vehicle applies regardless of whether the  
27 vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as a police or emergency vehicle.

(j) In this section, "authorized emergency vehicle" has the meaning assigned by Section 541.201.

SECTION 5. Sections 370.177(a) and (k), Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (a-1), the operator of a vehicle, other than an authorized emergency vehicle [~~as defined by Section 541.201~~], that is driven or towed through a toll collection facility of a turnpike project shall pay the proper toll. The operator of a vehicle who drives or tows a vehicle through a toll collection facility and does not pay the proper toll commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$250. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

(k) In this section:

(1) "Authorized emergency vehicle" has the meaning assigned by Section 541.201.

(2) "Registered [~~,"registered]~~ owner" means the owner of a vehicle as shown on the vehicle registration records of the department or the analogous department or agency of another state or country.

1           SECTION 6. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2009.