

1-1 By: Quintanilla, Fletcher, Flynn H.B. No. 805
1-2 (Senate Sponsor - Carona)
1-3 (In the Senate - Received from the House May 13, 2009;
1-4 May 14, 2009, read first time and referred to Committee on
1-5 Transportation and Homeland Security; May 23, 2009, reported
1-6 adversely, with favorable Committee Substitute by the following
1-7 vote: Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 805 By: Carona

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the definitions of police vehicle and authorized
1-12 emergency vehicle for the purposes of certain traffic laws.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Sections 541.201(1) and (13-a), Transportation
1-15 Code, are amended to read as follows:

1-16 (1) "Authorized emergency vehicle" means:

1-17 (A) a fire department or police vehicle;

1-18 (B) a public or private ambulance operated by a
1-19 person who has been issued a license by the Texas Department of
1-20 Health;

1-21 (C) a municipal department or public service
1-22 corporation emergency vehicle that has been designated or
1-23 authorized by the governing body of a municipality;

1-24 (D) a private vehicle of a volunteer firefighter
1-25 or a certified emergency medical services employee or volunteer
1-26 when responding to a fire alarm or medical emergency;

1-27 (E) an industrial emergency response vehicle,
1-28 including an industrial ambulance, when responding to an emergency,
1-29 but only if the vehicle is operated in compliance with criteria in
1-30 effect September 1, 1989, and established by the predecessor of the
1-31 Texas Industrial Emergency Services Board of the State Firemen's
1-32 and Fire Marshals' Association of Texas; ~~[or]~~

1-33 (F) a vehicle of a blood bank or tissue bank,
1-34 accredited or approved under the laws of this state or the United
1-35 States, when making emergency deliveries of blood, drugs,
1-36 medicines, or organs; or

1-37 (G) a vehicle operated by an employee of a
1-38 district attorney's office, criminal district attorney's office,
1-39 county attorney's office, or medical examiner's office, other than
1-40 a vehicle operated in the manner described by Section 546.001(2) or
1-41 (4), Section 284.070, Section 366.178, or Section 370.177(a) or
1-42 (k), that:

1-43 (i) is registered to the appropriate office
1-44 and authorized by that office for use in performing the official
1-45 duties of the office; or

1-46 (ii) is a private vehicle of an employee of
1-47 the appropriate office for which the person has received written
1-48 authority from that office to use the vehicle in performing
1-49 official duties, provided that use of the private vehicle must, if
1-50 applicable, comply with any rule adopted by the commissioners court
1-51 of a county under Section 170.001, Local Government Code.

1-52 (13-a) "Police vehicle" means a vehicle ~~[of a~~
1-53 ~~governmental entity primarily]~~ used by a peace officer, as defined
1-54 by Article 2.12, Code of Criminal Procedure, for law enforcement
1-55 purposes that:

1-56 (A) is owned or leased by a governmental entity;

1-57 (B) is owned or leased by the police department
1-58 of a private institution of higher education that commissions peace
1-59 officers under Section 51.212, Education Code; or

1-60 (C) is:

1-61 (i) a private vehicle owned or leased by the
1-62 peace officer; and

1-63 (ii) approved for use for law enforcement

2-1 purposes by the head of the law enforcement agency that employs the
2-2 peace officer, or by that person's designee, provided that use of
2-3 the private vehicle must, if applicable, comply with any rule
2-4 adopted by the commissioners court of a county under Section
2-5 170.001, Local Government Code.

2-6 SECTION 2. Section 545.421(b), Transportation Code, is
2-7 amended to read as follows:

2-8 (b) A signal under this section that is given by a police
2-9 officer pursuing a vehicle may be by hand, voice, emergency light,
2-10 or siren. The officer giving the signal must be in uniform and
2-11 prominently display the officer's badge of office. The officer's
2-12 vehicle must bear the insignia of a law enforcement agency,
2-13 regardless of whether the vehicle displays an emergency light [~~be~~
2-14 ~~appropriately marked as an official police vehicle~~].

2-15 SECTION 3. Section 284.070, Transportation Code, is amended
2-16 by amending Subsection (e) and adding Subsection (f) to read as
2-17 follows:

2-18 (e) An authorized emergency vehicle [~~, as defined by Section~~
2-19 ~~541.201,~~] is exempt from payment of a toll imposed under this
2-20 chapter regardless of whether the vehicle is:

- 2-21 (1) responding to an emergency;
- 2-22 (2) displaying a flashing light; or
- 2-23 (3) marked as an emergency vehicle.

2-24 (f) In this section, "authorized emergency vehicle" has the
2-25 meaning assigned by Section 541.201.

2-26 SECTION 4. Section 366.178, Transportation Code, is amended
2-27 by amending Subsection (a) and adding Subsection (j) to read as
2-28 follows:

2-29 (a) A motor vehicle other than an authorized emergency
2-30 vehicle [~~, as defined by Section 541.201,~~] that passes through a
2-31 toll collection facility, whether driven or towed, shall pay the
2-32 proper toll. The exemption from payment of a toll for an
2-33 authorized emergency vehicle applies regardless of whether the
2-34 vehicle is:

- 2-35 (1) responding to an emergency;
- 2-36 (2) displaying a flashing light; or
- 2-37 (3) marked as a police or emergency vehicle.

2-38 (j) In this section, "authorized emergency vehicle" has the
2-39 meaning assigned by Section 541.201.

2-40 SECTION 5. Sections 370.177(a) and (k), Transportation
2-41 Code, are amended to read as follows:

2-42 (a) Except as provided by Subsection (a-1), the operator of
2-43 a vehicle, other than an authorized emergency vehicle [~~as defined~~
2-44 ~~by Section 541.201~~], that is driven or towed through a toll
2-45 collection facility of a turnpike project shall pay the proper
2-46 toll. The operator of a vehicle who drives or tows a vehicle
2-47 through a toll collection facility and does not pay the proper toll
2-48 commits an offense. An offense under this subsection is a
2-49 misdemeanor punishable by a fine not to exceed \$250. The exemption
2-50 from payment of a toll for an authorized emergency vehicle applies
2-51 regardless of whether the vehicle is:

- 2-52 (1) responding to an emergency;
- 2-53 (2) displaying a flashing light; or
- 2-54 (3) marked as an emergency vehicle.

2-55 (k) In this section:

2-56 (1) "Authorized emergency vehicle" has the meaning
2-57 assigned by Section 541.201.

2-58 (2) "Registered [~~, "registered~~] owner" means the owner
2-59 of a vehicle as shown on the vehicle registration records of the
2-60 department or the analogous department or agency of another state
2-61 or country.

2-62 SECTION 6. Section 170.001(a), Local Government Code, is
2-63 amended to read as follows:

2-64 (a) The commissioners court of a county may adopt rules
2-65 prohibiting or regulating the use of a privately owned motor
2-66 vehicle for the performance of county business or law enforcement
2-67 duties by a sheriff or constable or a deputy or employee of a
2-68 district attorney, criminal district attorney, county attorney,
2-69 medical examiner, sheriff, or constable.

3-1 SECTION 7. This Act takes effect immediately if it receives
3-2 a vote of two-thirds of all the members elected to each house, as
3-3 provided by Section 39, Article III, Texas Constitution. If this
3-4 Act does not receive the vote necessary for immediate effect, this
3-5 Act takes effect September 1, 2009.

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