

By: Driver

H.B. No. 2936

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of funeral vehicle escort services.

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

SECTION 1. Section 651.001, Occupations Code, is amended by adding Subdivision (10-a) to read as follows:

(10-a) "Funeral vehicle escort service" means a business that facilitates the movement of traffic for a funeral procession through the streets and highways of the state.

SECTION 2. Chapter 651, Occupations Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. LICENSE REQUIREMENTS: FUNERAL VEHICLE ESCORT SERVICES

Sec. 651.381. FUNERAL VEHICLE ESCORT SERVICE LICENSE REQUIREMENT. A person may not facilitate the movement of traffic for a funeral procession unless the person is:

(1) a funeral vehicle escort service licensed under this subchapter; or

(2) an employee of a funeral vehicle escort service licensed under this subchapter.

Sec. 651.382. RULES. (a) The commission shall adopt rules to administer this subchapter.

(b) Rules adopted under this section must include provisions requiring that:

1 (1) a vehicle escorting a funeral procession:

2 (A) must be clearly and visibly marked with the
3 words "FUNERAL VEHICLE ESCORT SERVICE"; and

4 (B) may not be equipped with:

5 (i) flashing lights that emit a color of
6 light other than amber or white; or

7 (ii) any decal, placard, sign, or insignia
8 that is similar to an official police insignia or that displays the
9 word "Police," "Official," or "Officer"; and

10 (2) an operator of a vehicle escorting a funeral
11 procession may not wear a uniform that is of the same design as a
12 uniform worn by a peace officer or a badge or cap that resembles an
13 official peace officer badge or cap or displays the word "Police,"
14 "Official," or "Officer."

15 Sec. 651.383. EXEMPTION. This subchapter, or rules adopted
16 under this subchapter, may not be construed as inhibiting the
17 operation of an emergency vehicle or law enforcement vehicle.

18 SECTION 3. Chapter 546, Transportation Code, is amended by
19 adding Subchapter C to read as follows:

20 SUBCHAPTER C. AUTHORIZATION OF CERTAIN OTHER VEHICLES

21 Sec. 546.031. FUNERAL VEHICLE ESCORT SERVICES. (a) An
22 operator of a vehicle facilitating the movement of a funeral
23 procession as a funeral vehicle escort service licensed under
24 Subchapter H-1, Occupations Code, or an employee of a licensed
25 funeral vehicle escort service may proceed past a red or stop signal
26 or stop sign, after slowing as necessary for safe operation.

27 (b) This section does not relieve the operator of a funeral

1 escort vehicle from:

2 (1) the duty to operate the vehicle with appropriate
3 regard for the safety of all persons; or

4 (2) the consequences of reckless disregard for the
5 safety of others.

6 SECTION 4. Section 707.009, Transportation Code, is amended
7 to read as follows:

8 Sec. 707.009. REQUIRED ORDINANCE PROVISIONS. (a) An
9 ordinance adopted under Section 707.002 must provide that a person
10 against whom the local authority seeks to impose a civil penalty is
11 entitled to a hearing and shall:

12 (1) provide for the period in which the hearing must be
13 held;

14 (2) provide for the appointment of a hearing officer
15 with authority to administer oaths and issue orders compelling the
16 attendance of witnesses and the production of documents; and

17 (3) designate the department, agency, or office of the
18 local authority responsible for the enforcement and administration
19 of the ordinance or provide that the entity with which the local
20 authority contracts under Section 707.003(a)(1) is responsible for
21 the enforcement and administration of the ordinance.

22 (b) An ordinance adopted under Section 707.002 may not
23 impose a civil penalty on an owner of a vehicle operated in
24 violation of the instructions of a traffic-control signal, as
25 specified by Section 544.007(d), if the person is accompanied by a
26 funeral vehicle escort service licensed under Subchapter H-1,
27 Occupations Code, or an employee of a licensed funeral vehicle

1 escort service.

2 SECTION 5. Not later than January 1, 2010, the Texas Funeral
3 Service Commission shall adopt rules required under Section
4 651.382, Occupations Code, as added by this Act.

5 SECTION 6. This Act takes effect September 1, 2009.