

By: King of Parker

H.B. No. 3403

Substitute the following for H.B. No. 3403:

By: Davis of Dallas

C.S.H.B. No. 3403

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain commercial motor vehicles in certain residential subdivisions.

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

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428. OPERATION OF CERTAIN COMMERCIAL MOTOR VEHICLES IN RESIDENTIAL SUBDIVISION. (a) In this section:

(1) "Commercial motor vehicle" means:

(A) a commercial motor vehicle, as defined by Section 522.003, regardless of whether the vehicle is being operated for a commercial purpose; or

(B) a road tractor, truck tractor, pole trailer, or semitrailer.

(2) "Residential subdivision" means a subdivision in the corporate limits of a municipality or the unincorporated area of a county:

(A) for which a plat is recorded in the county real property records; and

(B) in which the majority of lots are subject to a deed restriction limiting the lots to residential use.

(b) This section applies only to a county in which a part of the Barnett Shale natural gas field is known to be located.

(c) A person may not operate a commercial motor vehicle on a

1 highway or street:

2 (1) that is located in a residential subdivision;

3 (2) that is maintained by the municipality or county,

4 as applicable; and

5 (3) for which signs are posted under Subsection (f).

6 (d) It is an exception to the application of Subsection (c)
7 that the commercial motor vehicle being operated was at the time:

8 (1) transporting persons or property to or from the
9 residential subdivision or performing work in the subdivision;

10 (2) owned or leased by a commercial establishment
11 located in the residential subdivision and operated in connection
12 with that establishment;

13 (3) owned or leased by a person who owns or occupies a
14 residence in the subdivision and operated by that person; or

15 (4) accessing an oil or gas well that had no other
16 alternative means of access but through the subdivision.

17 (e) The residents of a residential subdivision may
18 petition, as applicable, the governing body of the municipality or
19 the commissioners court of the county in which the subdivision is
20 located for the posting of signs prohibiting the operation of a
21 commercial motor vehicle in the subdivision. The petition must be
22 signed by at least 25 percent of the owners or occupants of
23 residences in the subdivision. Not more than one person for each
24 residence may sign the petition, and each person signing must be at
25 least 18 years of age. Promptly after the filing of a valid
26 petition, subject to Subsection (g), the governing body or the
27 commissioners court, as applicable, shall order that the signs be

1 posted.

2 (f) A sign required by this section must:

3 (1) be posted at each entrance of the subdivision
4 through which a commercial motor vehicle may enter the subdivision
5 or in the subdivision if there is not a defined entrance to the
6 subdivision; and

7 (2) state, in letters at least two inches in height,
8 that operation of a commercial motor vehicle is prohibited in the
9 subdivision.

10 (g) The governing body of a municipality or the
11 commissioners court of a county that receives a petition under
12 Subsection (e) may condition the posting of the signs on payment by
13 the residents of the residential subdivision of the cost of
14 providing the signs.

15 (h) For purposes of this section, contiguous subdivisions
16 that are developed by the same entity or a successor to that entity
17 and that are given the same public name or a variation of the same
18 public name are considered to be one subdivision. Separation of one
19 such subdivision from another by a highway or street, stream,
20 greenbelt, or similar barrier does not make the subdivisions
21 noncontiguous.

22 SECTION 2. This Act takes effect September 1, 2009.