

By: King of Parker

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 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) A person may not operate a commercial motor vehicle on a highway or street that:

(1) is located in a residential subdivision;

(2) is maintained by the county; and

1           (3) for which signs are posted under Subsection (e).

2           (c) It is an exception to the application of Subsection (b)  
3 that the commercial motor vehicle being operated was at the time:

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

6           (2) owned or leased by a commercial establishment  
7 located in the residential subdivision and operated in connection  
8 with that establishment; or

9           (3) owned or leased by a person who owns or occupies a  
10 residence in the subdivision and operated by that person.

11           (d) The residents of a residential subdivision may petition  
12 the commissioners court of the county in which the subdivision is  
13 located for the posting of signs prohibiting the operation of a  
14 commercial motor vehicle in the subdivision. The petition must be  
15 signed by at least 25 percent of the owners or occupants of  
16 residences in the subdivision. Not more than one person for each  
17 residence may sign the petition, and each person signing must be at  
18 least 18 years of age. Promptly after the filing of a valid  
19 petition subject to Subsection (f), the commissioners court shall  
20 order that the signs be posted.

21           (e) A sign required by this section must:

22           (1) be posted at each entrance of the subdivision  
23 through which a commercial motor vehicle may enter the subdivision  
24 or in the subdivision if there is not a defined entrance to the  
25 subdivision; and

26           (2) state, in letters at least two inches in height,  
27 that operation of a commercial motor vehicle is prohibited in the

1 subdivision.

2 (f) The commissioners court of a county that receives a  
3 petition under Subsection (d) may condition the posting of the  
4 signs on payment by the residents of the residential subdivision of  
5 the cost of providing the signs.

6 (g) For purposes of this section, contiguous subdivisions  
7 that are developed by the same entity or a successor to that entity  
8 and that are given the same public name or a variation of the same  
9 public name are considered to be one subdivision. Separation of one  
10 such subdivision from another by a highway or street, stream,  
11 greenbelt, or similar barrier does not make the subdivisions  
12 noncontiguous.

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