

1-1 By: Carona S.B. No. 376
1-2 (In the Senate - Filed December 16, 2008; February 17, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 2, 2009, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; March 2, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of the Texas Department of
1-9 Transportation related to county traffic officers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 701.006, Transportation Code, is amended
1-12 to read as follows:

1-13 Sec. 701.006. [~~COMPLAINT, HEARING,~~] DISMISSAL. [~~(a) If~~
1-14 ~~a county traffic officer fails to perform the officer's duty to~~
1-15 ~~enforce the law, the district engineer of the Texas Department of~~
1-16 ~~Transportation district in which the officer operates may send a~~
1-17 ~~written, signed complaint to the commissioners court.~~

1-18 [~~(b) On receipt of the complaint, the commissioners court~~
1-19 ~~shall hold a hearing and summon the officer to appear before it.~~

1-20 [~~(c) If the commissioners court determines at the hearing~~
1-21 ~~that the officer has not performed the officer's duty, the~~
1-22 ~~commissioners court shall immediately discharge the officer and~~
1-23 ~~promptly employ another officer.~~

1-24 [~~(d)~~] The commissioners court on its own initiative, or on
1-25 recommendation of the sheriff, may dismiss a county traffic officer
1-26 if the officer is no longer needed or if the officer's service is
1-27 unsatisfactory.

1-28 SECTION 2. Subsection (b), Section 701.002, Transportation
1-29 Code, is repealed.

1-30 SECTION 3. This Act takes effect immediately if it receives
1-31 a vote of two-thirds of all the members elected to each house, as
1-32 provided by Section 39, Article III, Texas Constitution. If this
1-33 Act does not receive the vote necessary for immediate effect, this
1-34 Act takes effect September 1, 2009.

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