

## **BILL ANALYSIS**

C.S.H.B. 2443  
By: Price  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Camping or otherwise living on state highway right-of-way may present a danger to the person or persons remaining on the right-of-way as well as to nearby motorists and landowners. In addition to causing traffic accidents, a person who remains on the right-of-way and establishes some type of living quarters may cause a fire emergency if a camp fire is left unattended or a parked vehicle catches on fire. The resulting fire may endanger motorists, the firefighters who are called to extinguish the fire, and the private property that is adjacent to the right-of-way. Additionally, the refuse generated must be picked up and disposed of and can pose a danger to motorists if it settles in the roadway. C.S.H.B. 2443 attempts to prevent these problems by creating an offense in connection with remaining on and parking vehicles on state highway right-of-way and providing exceptions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2443 amends the Transportation Code to make it an offense for a person to park a vehicle on state highway right-of-way for longer than 24 hours or erect a tent, shelter, booth, or structure on state highway right-of-way if the person has notice while conducting that activity that the activity is prohibited or receives notice that the activity is prohibited but does not depart or remove the vehicle or structure within eight hours after receiving the notice. The bill creates an exception to the offense for a person who remains on or parks a vehicle on state highway right-of-way for emergency or highway construction and maintenance purposes; within the corporate limits of a municipality; for operations of an electric utility, gas utility, or for surface coal mining and reclamation operations; or as authorized under other state or local law, including a municipal ordinance. The bill makes conforming and nonsubstantive changes.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2443 omits provisions included in the original making it a Class C misdemeanor offense to remain on or park a vehicle on state highway right-of-way with certain exceptions and enhancing the penalty for a subsequent offense.

C.S.H.B. 2443 contains a provision not included in the original making it an offense for a person to park a vehicle on state highway right-of-way for longer than 24 hours or erect a tent, shelter, booth, or structure on state highway right-of-way under certain conditions. The substitute contains a provision not included in the original creating an exception to such an offense for

specified reasons. The substitute differs from the original by conforming to certain bill drafting conventions.