

AN ACT

relating to stationary tow trucks on a highway; providing a penalty.

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

SECTION 1. Section 545.157, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) On approaching a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702, or a stationary tow truck using equipment authorized by Section 547.305(d), an operator, unless otherwise directed by a police officer, shall:

(1) vacate the lane closest to the emergency vehicle or tow truck when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle or tow truck; or

(2) slow to a speed not to exceed:

(A) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or

(B) five miles per hour when the posted speed limit is less than 25 miles per hour.

(d) In this section, "tow truck" means a vehicle that:

(1) has been issued a permit under Subchapter C, Chapter 2308, Occupations Code; and

(2) is operated by a person licensed under Subchapter

1 D, Chapter 2308, Occupations Code.

2 SECTION 2. Section 545.301(b), Transportation Code, is
3 amended to read as follows:

4 (b) This section does not apply to an operator of:

5 (1) a vehicle that is disabled while on the paved or
6 main traveled part of a highway if it is impossible to avoid
7 stopping and temporarily leaving the vehicle on the highway; ~~or~~

8 (2) a vehicle used exclusively to transport solid,
9 semisolid, or liquid waste operated at the time in connection with
10 the removal or transportation of solid, semisolid, or liquid waste
11 from a location adjacent to the highway; or

12 (3) a tow truck, as defined by Section 545.157(d),
13 that is performing towing duties under Chapter 2308, Occupations
14 Code.

15 SECTION 3. Section 547.305(a), Transportation Code, is
16 amended to read as follows:

17 (a) A motor vehicle lamp or illuminating device, other than
18 a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or
19 emergency vehicle, tow truck, or school bus warning lamp, that
20 projects a beam with an intensity brighter than 300 candlepower
21 shall be directed so that no part of the high-intensity portion of
22 the beam strikes the roadway at a distance of more than 75 feet from
23 the vehicle.

24 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 378 was passed by the House on March 30, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 378 on May 23, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 378 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor