

By: Guillen

H.B. No. 378

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to stationary tow trucks on a highway; providing a  
3 penalty.

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

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

8 (a) On approaching a stationary authorized emergency  
9 vehicle using visual signals that meet the requirements of Sections  
10 547.305 and 547.702, or a stationary tow truck using equipment  
11 authorized by Section 547.305(d), an operator, unless otherwise  
12 directed by a police officer, shall:

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

16 (2) slow to a speed not to exceed:

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

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

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

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

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

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

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