

1-1 By: Guillen (Senate Sponsor - Williams) H.B. No. 378
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 7, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 12, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 0; May 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 378 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to stationary tow trucks on a highway; providing a
1-11 penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 545.157, Transportation Code, is amended
1-14 by amending Subsection (a) and adding Subsection (d) to read as
1-15 follows:

1-16 (a) On approaching a stationary authorized emergency
1-17 vehicle using visual signals that meet the requirements of Sections
1-18 547.305 and 547.702, or a stationary tow truck using equipment
1-19 authorized by Section 547.305(d), an operator, unless otherwise
1-20 directed by a police officer, shall:

1-21 (1) vacate the lane closest to the emergency vehicle
1-22 or tow truck when driving on a highway with two or more lanes
1-23 traveling in the direction of the emergency vehicle or tow truck; or

1-24 (2) slow to a speed not to exceed:

1-25 (A) 20 miles per hour less than the posted speed
1-26 limit when the posted speed limit is 25 miles per hour or more; or

1-27 (B) five miles per hour when the posted speed
1-28 limit is less than 25 miles per hour.

1-29 (d) In this section, "tow truck" means a vehicle that:

1-30 (1) has been issued a permit under Subchapter C,
1-31 Chapter 2308, Occupations Code; and

1-32 (2) is operated by a person licensed under Subchapter
1-33 D, Chapter 2308, Occupations Code.

1-34 SECTION 2. Section 545.301(b), Transportation Code, is
1-35 amended to read as follows:

1-36 (b) This section does not apply to an operator of:

1-37 (1) a vehicle that is disabled while on the paved or
1-38 main traveled part of a highway if it is impossible to avoid
1-39 stopping and temporarily leaving the vehicle on the highway; ~~or~~

1-40 (2) a vehicle used exclusively to transport solid,
1-41 semisolid, or liquid waste operated at the time in connection with
1-42 the removal or transportation of solid, semisolid, or liquid waste
1-43 from a location adjacent to the highway; or

1-44 (3) a tow truck, as defined by Section 545.157(d),
1-45 that is performing towing duties under Chapter 2308, Occupations
1-46 Code.

1-47 SECTION 3. Section 547.305(a), Transportation Code, is
1-48 amended to read as follows:

1-49 (a) A motor vehicle lamp or illuminating device, other than
1-50 a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or
1-51 emergency vehicle, tow truck, or school bus warning lamp, that
1-52 projects a beam with an intensity brighter than 300 candlepower
1-53 shall be directed so that no part of the high-intensity portion of
1-54 the beam strikes the roadway at a distance of more than 75 feet from
1-55 the vehicle.

1-56 SECTION 4. This Act takes effect September 1, 2011.

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