

By: Elkins

H.B. No. 1353

A BILL TO BE ENTITLED

AN ACT

relating to speed limits.

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

SECTION 1. Section 545.352(b), Transportation Code, as amended by Chapters 663 (H.B. 385), 739 (H.B. 1075), and 1346 (H.B. 676), Acts of the 76th Legislature, Regular Session, 1999, is reenacted and amended to read as follows:

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;

(2) except as provided by Subdivision (4), 75 ~~[70]~~ miles per hour ~~[in daytime and 65 miles per hour in nighttime if the vehicle is a passenger car, motorcycle, passenger car or light truck towing a trailer bearing a vessel, as defined by Section 31.003, Parks and Wildlife Code, that is less than 26 feet in length, passenger car or light truck towing a trailer or semitrailer used primarily to transport a motorcycle, or passenger car or light truck towing a trailer or semitrailer designed and used primarily to transport dogs or livestock,]~~ on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(3) except as provided by Subdivision (4), 60 miles

1 per hour [~~in daytime and 55 miles per hour in nighttime if the~~  
2 ~~vehicle is a passenger car or motorcycle~~] on a highway that is  
3 outside an urban district and not a highway numbered by this state  
4 or the United States;

5 (4) [~~60 miles per hour outside an urban district if a~~  
6 ~~speed limit for the vehicle is not otherwise specified by this~~  
7 ~~section; or~~

8 [~~(5)~~] outside an urban district:

9 (A) 60 miles per hour if the vehicle is a school  
10 bus that has passed a commercial motor vehicle inspection under  
11 Section 548.201 and is on a highway numbered by the United States or  
12 this state, including a farm-to-market road; or

13 (B) 50 miles per hour if the vehicle is a school  
14 bus that:

15 (i) has not passed a commercial motor  
16 vehicle inspection under Section 548.201; or

17 (ii) is traveling on a highway not numbered  
18 by the United States or this state; [~~or~~

19 [~~(C) 60 miles per hour in daytime and 55 miles per~~  
20 ~~hour in nighttime if the vehicle is a truck, other than a light~~  
21 ~~truck, or if the vehicle is a truck tractor, trailer, or~~  
22 ~~semitrailer, or a vehicle towing a trailer other than a trailer~~  
23 ~~described by Subdivision (2), semitrailer, another motor vehicle or~~  
24 ~~towable recreational vehicle,]~~

25 (5) on a beach, 15 miles per hour; or

26 (6) on a county road adjacent to a public beach, 15  
27 miles per hour, if declared by the commissioners court of the

1 county.

2 SECTION 2. Section 545.352, Transportation Code, is amended  
3 by adding Subsection (e) to read as follows:

4 (e) An entity that establishes or alters a speed limit under  
5 this subchapter shall establish the same speed limit for daytime  
6 and nighttime.

7 SECTION 3. Sections 545.353(d) and (h-1), Transportation  
8 Code, are amended to read as follows:

9 (d) Except as provided by Subsection (h-1) [~~(h)~~], the  
10 commission may not:

11 (1) modify the rules established by Section  
12 545.351(b);

13 (2) establish a speed limit of more than 75 [~~70~~] miles  
14 per hour; or

15 (3) increase the speed limit for a vehicle described  
16 by Section 545.352(b)(4) [~~545.352(b)(5)~~].

17 (h-1) Notwithstanding Section 545.352(b), the commission  
18 may establish a speed limit of 80 miles per hour [~~in daytime~~] on a  
19 part of Interstate Highway 10 or Interstate Highway 20 in Crockett,  
20 Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves,  
21 Sutton, or Ward County if the commission determines that 80 miles  
22 per hour [~~in daytime~~] is a reasonable and safe speed for that part  
23 of the highway.

24 SECTION 4. Section 545.354(e), Transportation Code, is  
25 amended to read as follows:

26 (e) The authority may not:

27 (1) alter the general rule established by Section

1 545.351(a); or

2 (2) establish a speed limit of more than 75 [~~70~~] miles  
3 per hour.

4 SECTION 5. Section 545.355(e), Transportation Code, is  
5 amended to read as follows:

6 (e) The commissioners court of a county with a population of  
7 more than 2.8 million may establish from the results of an  
8 engineering and traffic investigation a speed limit of not more  
9 than 75 [~~70~~] miles per hour on any part of a highway of that county  
10 that is a limited-access or controlled-access highway, regardless  
11 of the location of the part of the highway.

12 SECTION 6. Sections 545.356(a) and (b), Transportation  
13 Code, are amended to read as follows:

14 (a) The governing body of a municipality, for a highway or  
15 part of a highway in the municipality, including a highway of the  
16 state highway system, has the same authority to alter by ordinance  
17 prima facie speed limits from the results of an engineering and  
18 traffic investigation as the Texas Transportation Commission on an  
19 officially designated or marked highway of the state highway  
20 system. The governing body of a municipality may not modify the  
21 rule established by Section 545.351(a) or establish a speed limit  
22 of more than 75 [~~60~~] miles per hour.

23 (b) The governing body of a municipality, for a highway or  
24 part of a highway in the municipality, including a highway of the  
25 state highway system, has the same authority to alter prima facie  
26 speed limits from the results of an engineering and traffic  
27 investigation as the commission for an officially designated or

1 marked highway of the state highway system, when the highway or part  
2 of the highway is under repair, construction, or maintenance. A  
3 municipality may not modify the rule established by Section  
4 545.351(a) or establish a speed limit of more than 75 [~~60~~] miles per  
5 hour.

6 SECTION 7. Section 545.358, Transportation Code, is amended  
7 to read as follows:

8 Sec. 545.358. AUTHORITY OF COMMANDING OFFICER OF UNITED  
9 STATES MILITARY RESERVATION TO ALTER SPEED LIMITS. The commanding  
10 officer of a United States military reservation, for a highway or  
11 part of a highway in the military reservation, including a highway  
12 of the state highway system, has the same authority by order to  
13 alter prima facie speed limits from the results of an engineering  
14 and traffic investigation as the Texas Transportation Commission  
15 for an officially designated or marked highway of the state highway  
16 system. A commanding officer may not modify the rule established by  
17 Section 545.351(a) or establish a speed limit of more than 75 [~~60~~]  
18 miles per hour.

19 SECTION 8. Section 545.362(a), Transportation Code, is  
20 amended to read as follows:

21 (a) Subject to Subsection (c), the Texas Transportation  
22 Commission may enter an order establishing prima facie speed limits  
23 of not more than 75 [~~70~~] miles per hour applicable to all highways,  
24 including a turnpike under the authority of the Texas Turnpike  
25 Authority or a highway under the control of a municipality or  
26 county. An order entered under this section does not have the  
27 effect of increasing a speed limit on any highway.

1           SECTION 9. Sections 545.353(h) and (i), Transportation  
2 Code, are repealed.

3           SECTION 10. This Act takes effect September 1, 2011.