

By: Strama

H.B. No. 2767

A BILL TO BE ENTITLED

AN ACT

relating to the parking of construction equipment and certain motor vehicles; creating an offense.

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

SECTION 1. Subchapter G, Chapter 545, Transportation Code, is amended by adding Section 545.309 to read as follows:

Sec. 545.309. PARKING CONSTRUCTION EQUIPMENT AND CERTAIN VEHICLES; OFFENSE. (a) This section applies to:

(1) construction equipment; and

(2) a motor vehicle, other than a light truck or passenger car, used in connection with a construction project.

(b) This section applies only to a highway with a posted speed limit of more than 35 miles per hour.

(c) This section does not apply to residential construction of a one or two family dwelling.

(d) A person commits an offense if:

(1) the person parks a motor vehicle or construction equipment within 30 feet of the nearest edge of a roadway during a period in which construction for which the equipment or vehicle is normally used is not occurring in the adjacent area; and

(2) the person or a construction worker who normally works on a construction project in the adjacent area for which the equipment or vehicle is normally used is not physically present in that area.

1 (e) An offense under this section is a Class C misdemeanor.

2 (f) It is a defense to prosecution under Subsection (c)
3 that:

4 (1) the person parked the vehicle or equipment at
5 least 10 feet from the nearest edge of the roadway; and

6 (2) a barricade separated the vehicle or equipment
7 from the nearest edge of the roadway.

8 (g) It is a defense to prosecution under Subsection (c)
9 that:

10 (1) the location made it impossible for the person to
11 comply with that subsection; and

12 (2) the person parked the vehicle or equipment in
13 accordance with the Texas Manual on Uniform Traffic Control
14 Devices.

15 SECTION 2. This Act takes effect September 1, 2011.