

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 19 2011

Atty. Gen. Paul
Secretary of the Senate

By: Guillen

H.B. No. 378

Substitute the following for H.B. No. 378:

By: Willen

C.S.H.B. No. 378

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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 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB378 by Guillen (Relating to stationary tow trucks on a highway; providing a penalty.), As
Passed 2nd House

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require a driver, when passing a stationary tow truck using authorized equipment, to vacate the lane closest to the tow truck if the highway has two or more lanes or to slow to 20 miles per hour. An offense for a violation would be a misdemeanor punishable by a fine of \$1 to \$200; a misdemeanor punishable by a fine of \$500 if property damage occurs; or a Class B misdemeanor punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, SD, KJG, AG, MW, CWS, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB378 by Guillen (Relating to stationary tow trucks on a highway; providing a penalty.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require a driver, when passing a stationary tow truck using authorized equipment, to vacate the lane closest to the tow truck if the highway has two or more lanes or to slow to 20 miles per hour. An offense for a violation would be a misdemeanor punishable by a fine of \$1 to \$200; a misdemeanor punishable by a fine of \$500 if property damage occurs; or a Class B misdemeanor punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, KJG, AG, MW, CWS, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 8, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB378 by Guillen (Relating to stationary tow trucks on a highway; providing a penalty.), As Engrossed

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Local Government Impact

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, KJG, AG, MW, CWS, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 28, 2011

TO: Honorable Mike Hamilton, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB378 by Guillen (Relating to stationary tow trucks on a highway; providing a penalty.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require a driver when passing a stationary tow truck using authorized equipment to vacate the lane closest to the tow truck if the highway has two or more lanes or slow to 20 miles per hour. An offense for a violation would be a misdemeanor punishable by a fine of \$1 to \$200; a misdemeanor punishable by a fine of \$500 if property damage occurs; or a Class B misdemeanor punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, AG, MW, CWS, TP