

BILL ANALYSIS

C.S.H.B. 2691
By: Elkins
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that Texas prohibits a vehicle from having a motor vehicle horn or other audible warning device that is unreasonably loud but makes that standard subject to a safety inspector's interpretation even though loudness is readily measurable in decibels. As a result, the parties contend, there is uneven interpretation and enforcement of the requirement. The parties point out that this subjectivity in interpreting the loudness of an audible warning device in a motor vehicle undergoing its annual safety inspection can result in significant inconvenience to an owner who must seek the opinion of a second inspector or return a second time after adjustments to the horn or replacement of the horn.

The parties assert that the loudness of a device can be readily measured in decibels with a free application on a smart phone, as well as with other devices, and that the law should favor the use of such an objective standard of measuring the loudness of an audible warning device. C.S.H.B. 2691 seeks to establish such an objective standard.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 2691 amends the Transportation Code, in a provision prohibiting a warning device on a motor vehicle, including a horn, from emitting an unreasonably loud or harsh sound or a whistle, to prohibit a motor vehicle audible warning device from emitting a sound that exceeds a decibel level prescribed by rule of the Department of Public Safety (DPS) or that is an unreasonably harsh sound or a whistle. The bill requires DPS to adopt the rules to implement the bill's provisions not later than January 1, 2014, and applies only to an offense committed on or after the date the rules take effect.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2691 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

| INTRODUCED | HOUSE COMMITTEE SUBSTITUTE |
|--------------------------------|-----------------------------------|
| SECTION 1. Section 547.501(d), | SECTION 1. Section 547.501(d), |

83R 24699

13.113.896

Substitute Document Number: 83R 17173

Transportation Code, is amended to read as follows:

(d) A warning device, including a horn, may not emit a sound that:

(1) exceeds an objective loudness standard prescribed by the department, measured in decibels or another appropriate measure;

(2) is an unreasonably [~~loud or~~] harsh sound or a whistle.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2013.

Transportation Code, is amended to read as follows:

(d) A warning device, including a horn, may not emit:

(1) a sound that exceeds a decibel level prescribed by department rule; or

(2) an unreasonably [~~loud or~~] harsh sound or a whistle.

SECTION 2. The Department of Public Safety shall adopt the rules to implement Section 547.501(d), Transportation Code, as amended by this Act, not later than January 1, 2014.

SECTION 3. The changes in law made by this Act in amending Section 547.501(d), Transportation Code, apply only to an offense committed on or after the date rules adopted by the department to implement that subsection take effect. An offense committed before the date the rules take effect is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 4. Same as introduced version.