

By: Martinez, McClendon

H.B. No. 1380

A BILL TO BE ENTITLED

AN ACT

relating to passing certain vehicles on a highway; providing a penalty.

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

SECTION 1. Section 545.157, Transportation Code, is amended to read as follows:

Sec. 545.157. PASSING CERTAIN VEHICLES [~~AUTHORIZED EMERGENCY VEHICLE~~]. (a) This section applies only to the following vehicles:

(1) [~~On—approaching~~] a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702;

(2) [~~,—or~~] a stationary tow truck using equipment authorized by Section 547.305(d); and

(3) a Texas Department of Transportation vehicle not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105.

(b) On approaching a vehicle described by Subsection (a), an operator, unless otherwise directed by a police officer, shall:

(1) vacate the lane closest to the [~~emergency~~] vehicle [~~or tow truck~~] when driving on a highway with two or more lanes traveling in the direction of the [~~emergency~~] vehicle [~~or tow truck~~]; or

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

2 (A) 20 miles per hour less than the posted speed
3 limit when the posted speed limit is 25 miles per hour or more; or

4 (B) five miles per hour when the posted speed
5 limit is less than 25 miles per hour.

6 (c) [~~(b)~~] A violation of this section is:

7 (1) a misdemeanor punishable under Section 542.401;

8 (2) a misdemeanor punishable by a fine of \$500 if the
9 violation results in property damage; or

10 (3) a Class B misdemeanor if the violation results in
11 bodily injury.

12 (d) [~~(c)~~] If conduct constituting an offense under this
13 section also constitutes an offense under another section of this
14 code or the Penal Code, the actor may be prosecuted under either
15 section or under both sections.

16 (e) [~~(d)~~] In this section:

17 (1) "Tow[~~,~~"~~tow~~] truck" means a vehicle that:

18 (A) [~~(1)~~] has been issued a permit under
19 Subchapter C, Chapter 2308, Occupations Code; and

20 (B) [~~(2)~~] is operated by a person licensed under
21 Subchapter D, Chapter 2308, Occupations Code.

22 (2) "Traffic control channelizing device" means
23 equipment used to warn and alert drivers of conditions created by
24 work activities in or near the traveled way, to protect workers in a
25 temporary traffic control zone, and to guide drivers and
26 pedestrians safely. The term includes a traffic cone, tubular
27 marker, vertical panel, drum, barricade, temporary raised island,

1 concrete or cable barrier, guardrail, or channelizer.

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;

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(e)
13 [~~545.157(d)~~], that is performing towing duties under Chapter 2308,
14 Occupations Code.

15 SECTION 3. This Act takes effect September 1, 2013.