

By: Goldman, Israel, Simmons

H.B. No. 2722

Substitute the following for H.B. No. 2722:

By: Pickett

C.S.H.B. No. 2722

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibition of the operation and sale of certain motor
3 vehicles resembling authorized emergency vehicles; creating a
4 criminal offense.

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

6 SECTION 1. Subchapter A, Chapter 546, Transportation Code,
7 is amended by adding Section 546.008 to read as follows:

8 Sec. 546.008. USE OF CERTAIN EXTERNAL MOTOR VEHICLE
9 MARKINGS OR FEATURES PROHIBITED; CRIMINAL OFFENSE. (a) A person
10 may not operate a motor vehicle in this state that resembles an
11 authorized emergency vehicle unless the person uses the motor
12 vehicle to provide emergency services as authorized by law or the
13 person uses the vehicle for other legitimate governmental
14 functions, including police, fire, or other emergency services.

15 (b) A motor vehicle resembles an authorized emergency
16 vehicle if the vehicle has on the exterior of the vehicle any
17 equipment or insignia that could lead a reasonable person to
18 believe that the vehicle is an authorized emergency vehicle,
19 including:

20 (1) the words "ambulance," "police," or "fire" or a
21 derivation of those words;

22 (2) the words "critical care transport," "emergency,"
23 "emergency medical services," or "mobile intensive care unit";

24 (3) the acronym "EMS" or "MICU";

- 1 (4) a star of life as trademarked by the National
- 2 Highway Traffic Safety Administration;
- 3 (5) a Maltese cross commonly used by fire departments;
- 4 (6) forward-facing flashing red, white, or blue
- 5 lights;
- 6 (7) a siren;
- 7 (8) an amber warning light;
- 8 (9) a spotlight;
- 9 (10) a grill light;
- 10 (11) a push bumper;
- 11 (12) exterior vinyl wrap;
- 12 (13) an antenna;
- 13 (14) an emergency services emblem or insignia or an
- 14 outline of the emblem or insignia; or
- 15 (15) another similar item of emergency vehicle
- 16 equipment.

17 (c) A person commits an offense if the person violates this
18 section. An offense under this subsection is a Class C misdemeanor.

19 (d) This section does not apply to a motor vehicle bearing
20 an antique license plate issued or approved under Section 504.502.

21 SECTION 2. Subchapter C, Chapter 728, Transportation Code,
22 is amended by adding Section 728.022 to read as follows:

23 Sec. 728.022. SALE OR TRANSFER OF LOCAL OR PRIVATE
24 EMERGENCY VEHICLE. (a) In this section:

25 (1) "Authorized emergency vehicle" means a vehicle
26 described by Section 541.201(1).

27 (2) "Equipment or insignia" means the equipment or

1 insignia described by Section 546.008(b).

2 (3) "Political subdivision" means a county,
3 municipality, school district, junior college district, other
4 special district, or other subdivision of state government.

5 (b) Except as provided by Subsection (c), an authorized
6 emergency vehicle owned by a political subdivision or a private
7 person may not be sold or transferred to the public unless all
8 equipment or insignia that could lead a reasonable person to
9 believe that the vehicle is an authorized emergency vehicle is
10 removed before the sale or transfer.

11 (c) A political subdivision may not sell or transfer an
12 authorized emergency vehicle to a security services contractor who
13 is regulated by the Department of Public Safety and licensed under
14 Chapter 1702, Occupations Code, unless each emblem or insignia that
15 identifies the vehicle as a public law enforcement vehicle is
16 removed before the sale or transfer.

17 (d) A private person who sells or transfers an authorized
18 emergency vehicle to a member of the public in violation of this
19 section is liable for damages proximately caused by the use of that
20 vehicle during the commission of a crime.

21 (e) This section does not apply to a motor vehicle bearing
22 an antique license plate issued or approved under Section 504.502.

23 SECTION 3. The change in law made by Section 728.022(d),
24 Transportation Code, as added by this Act, applies only to a cause
25 of action that accrues on or after the effective date of this Act.

26 SECTION 4. This Act takes effect September 1, 2015.