

By: Ellis

S.B. No. 1717

A BILL TO BE ENTITLED

AN ACT

relating to Prima Facie Speed Limits.

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

SECTION 1. Section 545.352, Transportation Code, is amended to read as follows:

(a) A speed in excess of the limits established by Subsection (b) or under another provision of this subchapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 25 miles per hour on a residential street in an urban district;

(2) ~~(1)~~ 30 miles per hour in an urban district on a street other than an alley or residential street and 15 miles per hour in an alley;

(3) ~~(2)~~ except as provided by Subdivision (4), 70 miles per hour on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(4) ~~(3)~~ except as provided by Subdivision (4), 60 miles per hour on a highway that is outside an urban district and not a highway numbered by this state or the United States;

1 (5) [~~4~~] outside an urban district:

2 (A) 60 miles per hour if the vehicle is a school  
3 bus that has passed a commercial motor vehicle inspection under  
4 Section 548.201 and is on a highway numbered by the United States or  
5 this state, including a farm-to-market road; or

6 (B) 50 miles per hour if the vehicle is a school  
7 bus that:

8 (i) has not passed a commercial motor  
9 vehicle inspection under Section 548.201; or

10 (ii) is traveling on a highway not numbered  
11 by the United States or this state;

12 (6) [~~5~~] on a beach, 15 miles per hour; or

13 (7) [~~6~~] on a county road adjacent to a public beach, 15  
14 miles per hour, if declared by the commissioners court of the  
15 county.

16 (c) The speed limits for a bus or other vehicle engaged in  
17 the business of transporting passengers for compensation or hire,  
18 for a commercial vehicle used as a highway post office vehicle for  
19 highway post office service in the transportation of United States  
20 mail, for a light truck, and for a school activity bus are the same  
21 as required for a passenger car at the same time and location.

22 (d) In this section:

23 (1) "Interstate highway" means a segment of the  
24 national system of interstate and defense highways that is:

25 (A) located in this state;

26 (B) officially designated by the Texas  
27 Transportation Commission; and

1 (C) approved under Title 23, United States Code.

2 (2) "Light truck" means a truck with a manufacturer's  
3 rated carrying capacity of not more than 2,000 pounds, including a  
4 pick-up truck, panel delivery truck, and carry-all truck.

5 (3) "Urban district" means the territory adjacent to  
6 and including a highway, if the territory is improved with  
7 structures that are used for business, industry, or dwelling houses  
8 and are located at intervals of less than 100 feet for a distance of  
9 at least one-quarter mile on either side of the highway.

10 (4) "Residential street" means any street within an  
11 urban district that is not classified as a thoroughfare or  
12 collector where at least 75% of the street frontage is used for  
13 single or multi-family residences.

14 (e) An entity that establishes or alters a speed limit under  
15 this subchapter shall establish the same speed limit for daytime  
16 and nighttime.

17 SECTION 2. Sec. 545.356, Transportation Code, is amended to  
18 read as follows:

19 (a) The governing body of a municipality, for a highway or  
20 part of a highway in the municipality, including a highway of the  
21 state highway system, has the same authority to alter by ordinance  
22 prima facie speed limits from the results of an engineering and  
23 traffic investigation as the Texas Transportation Commission on an  
24 officially designated or marked highway of the state highway  
25 system. The governing body of a municipality may not modify the  
26 rule established by Section 545.351(a) or establish a speed limit  
27 of more than 75 miles per hour.

1           (b) The governing body of a municipality, for a highway or  
2 part of a highway in the municipality, including a highway of the  
3 state highway system, has the same authority to alter prima facie  
4 speed limits from the results of an engineering and traffic  
5 investigation as the commission for an officially designated or  
6 marked highway of the state highway system, when the highway or part  
7 of the highway is under repair, construction, or maintenance. A  
8 municipality may not modify the rule established by Section  
9 545.351(a) or establish a speed limit of more than 75 miles per  
10 hour.

11           (b-1) Except as provided by Subsection (b-3), the governing  
12 body of a municipality, for a highway or a part of a highway in the  
13 municipality that is not an officially designated or marked highway  
14 or road of the state highway system, may declare a lower speed limit  
15 of not less than 20 [~~25~~] miles per hour, if the governing body  
16 determines that the prima facie speed limit on the highway is  
17 unreasonable or unsafe.

18           SECTION 3. This act takes effect September 1, 2015.