

BILL ANALYSIS

Senate Research Center
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S.B. 1078
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law prohibits operators of motor vehicles from leaving their vehicles unattended without performing several specific operations, including stopping the engine, locking the engine, and removing the key from the ignition.

Motorists can receive a citation for leaving a vehicle running outside of their own home, whether it be to warm up the car on a cold winter morning or to run inside to retrieve a forgotten item. This archaic law does not reflect the technologies available in newer vehicles with remote starting systems and criminalizes what is now commonplace behavior.

S.B. 1078 removes the restriction on leaving a motor vehicle unattended without stopping the engine, locking the ignition, and removing the key from the ignition. Requirements that a vehicle, if unattended, must have the parking brake set and, when on a grade, the front wheels turned to the curb remain unaffected.

Technology in modern vehicles renders the current law obsolete. Most cars have options that allow people to leave their engine running and still keep their cars locked. Several new vehicles do not even require the key to be inserted in the ignition for startup. Most importantly, citizens of the State of the Texas are capable of deciding, within reason, when to leave their vehicles idling while not inside them. These types of archaic laws needlessly criminalize basic, everyday behavior and are not reflective of modern transportation innovations.

As proposed, S.B. 1078 amends current law relating to the offense of leaving a motor vehicle unattended.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.404(a), Transportation Code, as follows:

(a) Prohibits an operator to leave a vehicle unattended without setting the parking brake effectively and, if standing on a grade, turning the front wheels to the curb or side of the highway. Deletes existing text prohibiting an operator, except as provided by Subsection (b), to leave a vehicle unattended without stopping the engine, locking the ignition, and removing the key from the ignition. Redesignates existing Subdivisions (4) and (5) as Subdivisions (1) and (2).

SECTION 2. Repealer: Section 545.404(b) (relating to certain requirements not applying to an operator who starts the engine of vehicle by using a remote starter or other similar device), Transportation Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2017.