

BILL ANALYSIS

C.S.H.B. 799
By: Landgraf
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that the occurrence of bridge strikes by vehicles has risen in recent years, causing significant safety concerns for vehicular and pedestrian traffic around many of the state's most traveled roadways. Reports suggest that many of these strikes are the result of oversized vehicles that do not meet the posted bridge height limitations. C.S.H.B. 799 seeks to address this issue by creating an offense for the operation of a vehicle that results in damage to a bridge or underpass because of the height of the vehicle and by holding the owner of the vehicle strictly liable for the damage.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 799 amends the Transportation Code to create a Class C misdemeanor offense for a person who operates or attempts to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of the Texas Department of Transportation. The bill enhances the penalty for the offense to a Class B misdemeanor punishable by a fine not to exceed \$500, confinement in a county jail for a term not to exceed 30 days, or both the fine and the confinement if it is shown on the trial of the offense that the person was not in compliance with all applicable license and permit requirements for the operation of the vehicle. The bill establishes as an affirmative defense to prosecution for the offense that at the time of the offense:

- the vertical clearance of the structure was less than that posted on the structure;
- the vehicle was being operated under the immediate direction of a law enforcement agency; or
- the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by the Texas Department of Motor Vehicles (TxDMV) or a political subdivision of this state.

C.S.H.B. 799 revises the liability for any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle to make the vehicle's owner strictly liable for that damage, unless at the time the damage was caused:

- the vehicle was stolen;
- the vertical clearance of the structure was less than that posted on the structure;
- the vehicle was being operated under the immediate direction of a law enforcement agency; or
- the vehicle was being operated in compliance with a permit authorizing the movement of the vehicle issued by TxDMV or a political subdivision of this state.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 799 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes exceptions to the liability of a vehicle owner for damage to a bridge, underpass, or similar structure that is caused by the height of the vehicle.

The substitute changes the penalty for the offense for operating or attempting to operate a vehicle over or on certain structures unless the height of the vehicle is less than the vertical clearance of the structure from a misdemeanor punishable by fine to a Class C misdemeanor. The substitute includes a penalty enhancement for the offense and affirmative defenses to prosecution for the offense.