

By: Martinez, Sheffield, Guillen

H.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

relating to regulation and liability of certain vehicles on a highway; increasing a criminal penalty.

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

SECTION 1. Section 545.157, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) This section applies only to the following vehicles:

(1) a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702;

(2) a ~~stationary~~ tow truck performing towing duties under Chapter 2308, Occupations Code, and 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; and

(4) a service vehicle used in the maintenance of an electrical power line and using visual signals that comply with the standards and specifications adopted under Section 547.105.

(c) A person who violates Subsection (b) commits an offense.

An offense under ~~[violation of]~~ this subsection ~~[section]~~ is ~~[+~~

~~[-1-]~~ a misdemeanor punishable by a fine of not less

1 than \$250 or more than \$500, except that the offense is:

2 (1) [~~under Section 542.401,~~
3 [~~2~~] a misdemeanor punishable by a fine of not less
4 than \$500 or more than \$1,000 if the violation results in property
5 damage; or

6 (2) [~~3~~] a Class B misdemeanor if the violation
7 results in bodily injury.

8 (c-1) On conviction of an offense under this section, the
9 court shall require the person to complete a driving safety course
10 approved under Chapter 1001, Education Code.

11 SECTION 2. Section 545.3051(e), Transportation Code, is
12 amended to read as follows:

13 (e) Notwithstanding any other provision of law, an
14 authority, [~~or~~] a law enforcement agency, or a towing company
15 performing towing duties under Chapter 2308, Occupations Code,
16 authorized by an authority or law enforcement agency is not liable
17 for:

18 (1) any damage to personal property removed from a
19 roadway or right-of-way under this section, unless the removal is
20 carried out recklessly or in a grossly negligent manner; or

21 (2) any damage resulting from the failure to exercise
22 the authority granted by this section.

23 SECTION 3. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect on the date the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

3 SECTION 4. This Act takes effect September 1, 2019.