

By: Guillen

H.B. No. 2807

Substitute the following for H.B. No. 2807:

By: King of Uvalde

C.S.H.B. No. 2807

A BILL TO BE ENTITLED

1 AN ACT
2 relating to regulation and liability of certain vehicles on a
3 highway; increasing a criminal penalty.

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

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

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

9 (1) a stationary authorized emergency vehicle using
10 visual signals that meet the requirements of Sections 547.305 and
11 547.702;

12 (2) a ~~stationary~~ tow truck performing towing duties
13 under Chapter 2308, Occupations Code, and using equipment
14 authorized by Section 547.305(d); and

15 (3) a Texas Department of Transportation vehicle not
16 separated from the roadway by a traffic control channelizing device
17 and using visual signals that comply with the standards and
18 specifications adopted under Section 547.105.

19 (c) A person who violates Subsection (b) commits an offense.
20 An offense under ~~[violation of]~~ this subsection ~~[section]~~ is~~+~~

21 ~~[-1-]~~ a misdemeanor punishable by a fine of not less
22 than \$250 or more than \$500, except that the offense is:

23 (1) ~~[under Section 542.401,~~

24 ~~[-2-]~~ a misdemeanor punishable by a fine of not less

1 than \$500 or more than \$1,000 if the violation results in property
2 damage; or

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

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

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

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

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

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

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

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