

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Canales

H.B. No. 2837

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation of and equipment for vehicles.

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

4 SECTION 1. Section 522.004(a), Transportation Code, is  
5 amended to read as follows:

6 (a) This chapter does not apply to:

7 (1) a vehicle that is controlled and operated by a  
8 farmer and:

9 (A) used to transport agricultural products,  
10 farm machinery, or farm supplies to or from a farm;

11 (B) used within 150 miles of the person's farm;  
12 and

13 (C) not used in the operations of a common or  
14 contract motor carrier;

15 (2) a fire-fighting or emergency vehicle necessary to  
16 the preservation of life or property or the execution of emergency  
17 governmental functions, whether operated by an employee of a  
18 political subdivision or by a volunteer fire fighter;

19 (3) a military vehicle or a commercial motor vehicle,  
20 when operated for military purposes by military personnel,  
21 including:

22 (A) active duty military personnel, including  
23 personnel serving in the United States Coast Guard; and

24 (B) members of the reserves and national guard on

1 active duty, including personnel on full-time national guard duty,  
2 personnel engaged in part-time training, and national guard  
3 military technicians;

4 (4) a recreational vehicle that is driven for personal  
5 use;

6 (5) a vehicle that is owned, leased, or controlled by  
7 an air carrier, as defined by Section 21.155, and that is driven or  
8 operated exclusively by an employee of the air carrier only on the  
9 premises of an airport, as defined by Section 22.001, on service  
10 roads to which the public does not have access; [~~or~~]

11 (6) a vehicle used exclusively to transport seed  
12 cotton modules or cotton burrs;

13 (7) a vehicle, including a vehicle described by  
14 Section 504.502(i), that is:

15 (A) operated intrastate; and

16 (B) driven by an individual not for compensation  
17 and not in the furtherance of a commercial enterprise; or

18 (8) a covered farm vehicle as defined by 49 C.F.R.  
19 Section 390.5.

20 SECTION 2. Section 545.058(c), Transportation Code, is  
21 amended to read as follows:

22 (c) A limitation in this section on driving on an improved  
23 shoulder does not apply to:

24 (1) an authorized emergency vehicle responding to a  
25 call;

26 (2) a police patrol; [~~or~~]

27 (3) a bicycle; or

1           (4) a slow-moving vehicle, as defined by Section  
2 547.001.

3           SECTION 3. Section 545.156(a), Transportation Code, is  
4 amended to read as follows:

5           (a) On the immediate approach of an authorized emergency  
6 vehicle using audible and visual signals that meet the requirements  
7 of Sections 547.305 and 547.702, or of a police vehicle lawfully  
8 using only an audible or visual signal, an operator, unless  
9 otherwise directed by a police officer, shall:

10           (1) yield the right-of-way;

11           (2) immediately drive to a position parallel to and as  
12 close as possible to the right-hand edge or curb of the roadway  
13 clear of any intersection; and

14           (3) stop and remain standing until the authorized  
15 emergency vehicle has passed.

16           SECTION 4. Section 546.002(b), Transportation Code, is  
17 amended to read as follows:

18           (b) Sections 546.001(2), (3), and (4) apply [~~Section~~  
19 ~~546.001 applies~~] only when the operator is:

20           (1) responding to an emergency call;

21           (2) pursuing an actual or suspected violator of the  
22 law;

23           (3) responding to but not returning from a fire alarm;

24           (4) directing or diverting traffic for public safety  
25 purposes; or

26           (5) conducting a police escort.

27           SECTION 5. Section 547.405(d), Transportation Code, is

1 amended to read as follows:

2 (d) A trailer, semitrailer, or pole trailer that is equipped  
3 with air or vacuum brakes or that has a gross weight heavier than  
4 4,500 [~~3,000~~] pounds shall be equipped with brakes that:

5 (1) operate on all wheels required to have brakes  
6 under Section 547.402; and

7 (2) are promptly applied automatically and remain  
8 applied for at least 15 minutes in case of a breakaway from the  
9 towing vehicle.

10 SECTION 6. Section 504.947, Transportation Code, is  
11 repealed.

12 SECTION 7. The change in law made by this Act applies only  
13 to an offense committed on or after the effective date of this Act.  
14 An offense committed before the effective date of this Act is  
15 governed by the law in effect on the date the offense was committed,  
16 and the former law is continued in effect for that purpose. For  
17 purposes of this section, an offense was committed before the  
18 effective date of this Act if any element of the offense occurred  
19 before that date.

20 SECTION 8. This Act takes effect September 1, 2019.

**ADOPTED**

MAY 15 2019

*Larry Green*  
Secretary of the Senate

By: Hinojosa

H.B. No. 2837

Substitute the following for H.B. No. 2837:

By: J. J. Hargrett

C.S. H.B. No. 2837

A BILL TO BE ENTITLED

AN ACT

relating to the operation of and equipment for vehicles.

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

SECTION 1. Section 522.004(a), Transportation Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) a vehicle that is controlled and operated by a farmer and:

(A) used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

(B) used within 150 miles of the person's farm;

(C) not used in the operations of a common or contract motor carrier;

(2) a fire-fighting or emergency vehicle necessary to the preservation of life or property or the execution of emergency governmental functions, whether operated by an employee of a political subdivision or by a volunteer fire fighter;

(3) a military vehicle or a commercial motor vehicle, when operated for military purposes by military personnel, including:

(A) active duty military personnel, including personnel serving in the United States Coast Guard; and

(B) members of the reserves and national guard on

1 active duty, including personnel on full-time national guard duty,  
2 personnel engaged in part-time training, and national guard  
3 military technicians;

4 (4) a recreational vehicle that is driven for personal  
5 use;

6 (5) a vehicle that is owned, leased, or controlled by  
7 an air carrier, as defined by Section 21.155, and that is driven or  
8 operated exclusively by an employee of the air carrier only on the  
9 premises of an airport, as defined by Section 22.001, on service  
10 roads to which the public does not have access; [~~or~~]

11 (6) a vehicle used exclusively to transport seed  
12 cotton modules or cotton burrs;

13 (7) a vehicle, including a vehicle described by  
14 Section 504.502(i), that is:

15 (A) operated intrastate; and

16 (B) driven by an individual not for compensation  
17 and not in the furtherance of a commercial enterprise; or

18 (8) a covered farm vehicle as defined by 49 C.F.R.  
19 Section 390.5.

20 SECTION 2. Section 545.058(c), Transportation Code, is  
21 amended to read as follows:

22 (c) A limitation in this section on driving on an improved  
23 shoulder does not apply to:

24 (1) an authorized emergency vehicle responding to a  
25 call;

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27 (3) a bicycle; or

1           (4) a slow-moving vehicle, as defined by Section  
2 547.001.

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9 otherwise directed by a police officer, shall:

- 10           (1) yield the right-of-way;
- 11           (2) immediately drive to a position parallel to and as  
12 close as possible to the right-hand edge or curb of the roadway  
13 clear of any intersection; and
- 14           (3) stop and remain standing until the authorized  
15 emergency vehicle has passed.

16           SECTION 4. Section 546.002(b), Transportation Code, is  
17 amended to read as follows:

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- 20           (1) responding to an emergency call;
- 21           (2) pursuing an actual or suspected violator of the  
22 law;
- 23           (3) responding to but not returning from a fire alarm;
- 24           (4) directing or diverting traffic for public safety  
25 purposes; or
- 26           (5) conducting a police escort.

27           SECTION 5. Section 547.405(d), Transportation Code, is

1 amended to read as follows:

2 (d) A trailer, semitrailer, or pole trailer that is equipped  
3 with air or vacuum brakes or that has a gross weight heavier than  
4 4,500 [~~3,000~~] pounds shall be equipped with brakes that:

5 (1) operate on all wheels required to have brakes  
6 under Section 547.402; and

7 (2) are promptly applied automatically and remain  
8 applied for at least 15 minutes in case of a breakaway from the  
9 towing vehicle.

10 SECTION 6. Section 547.703(a), Transportation Code, is  
11 amended to read as follows:

12 (a) Except as provided by Subsection (b), a slow-moving  
13 vehicle shall display a slow-moving-vehicle emblem that:

14 (1) has a reflective surface designed to be clearly  
15 visible in daylight or at night from the light of standard  
16 automobile headlamps at a distance of at least 500 feet;

17 (2) is mounted base down on the rear of the vehicle and  
18 at a height that does not impair the visibility of the emblem [~~from~~  
19 ~~three to five feet above the road surface~~]; and

20 (3) is maintained in a clean, reflective condition.

21 SECTION 7. Section 504.947, Transportation Code, is  
22 repealed.

23 SECTION 8. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For



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

4 SECTION 9. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 15, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (Relating to the operation of and equipment for vehicles.), **As Passed  
2nd House**

The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.

The bill would amend statute governing commercial driver licenses to exempt a vehicle that is operated intrastate and driven by an individual not for compensation or in the furtherance of a commercial enterprise or a covered farm vehicle as defined by 49 C.F.R. Section 390.5, or vehicles described by Section 504.502(i).

While loss to the Texas Mobility Fund (TMF) is probable, the agency cannot estimate revenue loss due to lack of data regarding the reason or justification for an application for a Commercial Driver License. The Department of Public Safety, however, does not expect this number to be significant.

Pursuant to Texas Constitution, Article III, Section 49-k(f), while money in the TMF is pledged to the payment of any outstanding obligations, the dedication of a specific source or portion of revenue, taxes, or other money may not be reduced, rescinded, or repealed unless: (i) the Legislature by law dedicates a substitute or different source that is projected by the Comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed or (ii) if not already in place, the Texas Transportation Commission implements a pledge of the State's full faith and credit to the payment of the TMF obligations.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** WP, JGAn, AI, SMi, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 9, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (relating to the operation of and equipment for vehicles.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.
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The bill would amend statute governing commercial driver licenses to exempt a vehicle that is operated intrastate and driven by an individual not for compensation or in the furtherance of a commercial enterprise or a covered farm vehicle as defined by 49 C.F.R. Section 390.5, or vehicles described by Section 504.502(i).

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** WP, JGAn, AI, SMi, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 6, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (Relating to the operation of and equipment for vehicles.), **As Engrossed**

The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.

The bill would amend statute governing commercial driver licenses to exempt a vehicle that is operated intrastate and driven by an individual not for compensation or in the furtherance of a commercial enterprise or a covered farm vehicle as defined by 49 C.F.R. Section 390.5, or vehicles described by Section 504.502(i).

While loss to the Texas Mobility Fund (TMF) is probable, the agency cannot estimate revenue loss due to lack of data regarding the reason or justification for an application for a Commercial Driver License. The Department of Public Safety, however, does not expect this number to be significant.

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** WP, JGAn, AI, SMi, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 9, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (relating to the operation of and equipment for vehicles.), **Committee Report 1st House, Substituted**

<p>The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.</p>
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The bill would amend statute governing commercial driver licenses to exempt a vehicle that is operated intrastate and driven by an individual not for compensation or in the furtherance of a commercial enterprise or a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

While loss to the Texas Mobility Fund (TMF) is probable, the agency cannot estimate revenue loss due to lack of data regarding the reason or justification for an application for a Commercial Driver License. The Department of Public Safety, however, does not expect this number to be significant.

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** WP, JGAn, AI, SMi, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 8, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (relating to the operation of and equipment for vehicles.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.
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The bill would amend statute governing commercial driver licenses to exempt a vehicle used for the purpose of participating in equine activities or attending livestock shows or a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

While loss to the Texas Mobility Fund (TMF) is probable, the agency cannot estimate revenue loss due to lack of data regarding the reason or justification for an application for a Commercial Driver License. The Department of Public Safety, however, does not expect this number to be significant.

Pursuant to Texas Constitution, Article III, Section 49-k(f), while money in the TMF is pledged to the payment of any outstanding obligations, the dedication of a specific source or portion of revenue, taxes, or other money may not be reduced, rescinded, or repealed unless: (i) the Legislature by law dedicates a substitute or different source that is projected by the Comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed or (ii) if not already in place, the Texas Transportation Commission implements a pledge of the State's full faith and credit to the payment of the TMF obligations.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** WP, JGAn, AI, SMi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 25, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2837** by Canales (Relating to the operation of and equipment for vehicles.), **As Introduced**

<p>The fiscal implications of the bill cannot be determined at this time due to lack of data regarding the number of certain commercial driver license applicants.</p>
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The bill would amend statute governing commercial driver licenses to exempt a vehicle used for the purpose of participating in equine activities or attending livestock shows or a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

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**Local Government Impact**

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**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** WP, JGAn, AI, SMi