

BILL ANALYSIS

H.B. 1744
By: Leach
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Brandy Bottone of Plano, Texas, was pulled over by a Dallas sheriff's deputy and given a ticket for driving alone in a high-occupancy vehicle (HOV) lane. She told the officer that she did not commit a violation because Texas' abortion ban meant there were two people in her car, her and her unborn baby. The Penal Code recognizes an individual as including an unborn child at every stage of gestation, and under current HOV lane laws, the vehicle must be occupied by two or more people. Bottone's ticket was dismissed in court. Three states have passed language into law broadly defining an unborn child as a person in the past decade. Alabama passed an amendment to its State Constitution in 2018 guaranteeing the rights of the unborn child in all manners and measures lawful and appropriate. Georgia passed a law recognizing the personhood of fetal life in 2019, and Arizona did so in 2021. H.B. 1744 seeks to provide pregnant drivers with improved access to HOV lanes on roads and highways by entitling an operator of a motor vehicle who is pregnant to use any high occupancy vehicle lane in Texas regardless of whether the vehicle is occupied by a passenger other than the operator's unborn child. This is a compassionate and practical solution that will have a positive impact on the lives of pregnant drivers and their families.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 1744 amends the Transportation Code to entitle an operator of a motor vehicle who is pregnant to use any high occupancy vehicle lane in Texas regardless of whether the vehicle is occupied by a passenger other than the operator's unborn child.

EFFECTIVE DATE

September 1, 2023.