

BILL ANALYSIS

C.S.H.B. 3726
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law requires drivers in Texas, when approaching certain vehicles such as stationary emergency vehicles and tow trucks and highway maintenance or construction vehicles, to slow down 20 miles per hour below the posted speed limit, or to 5 miles per hour if the speed limit is less than 25 miles per hour, or move over a lane if traveling in a lane that is closest to the vehicle and that is on a highway with two or more lanes traveling in the same direction. However, the bill author has informed the committee that the language in statute does not cover other disabled vehicles, leaving drivers who pull over to the side of the road following an accident or car trouble at risk of being struck by other vehicles. Texas had the highest number of traffic fatalities in 2021 relating to vehicles on the shoulder of the road, according to the National Highway Traffic Safety Administration's Fatality Analysis Reporting System. C.S.H.B. 3726 seeks to address this issue by extending the application of requirements and the offense in current law regarding passing vehicles to a vehicle stopped on the shoulder of the highway or adjacent to the highway and that is either using hazard lamps or is demarcated by other warning devices.

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

C.S.H.B. 3726 amends the Transportation Code to include a vehicle stopped on the shoulder of the highway or adjacent to the highway and that is either using hazard lamps that comply with applicable state law or is demarcated by other warning devices, such as traffic cones, flares, or retroreflective devices, among the vehicles to which the statutory rules of the road regarding the operation and movement of vehicles as they relate to approaching and passing certain vehicles apply, thereby subjecting a violation of the requirement regarding such a stopped vehicle to either vacate the applicable highway lane or slow to a certain speed to a misdemeanor offense, a Class A misdemeanor if the offense results in bodily injury to another, or a state jail felony for a second or subsequent Class A misdemeanor offense.

C.S.H.B. 3726 excludes a vehicle described under the bill's provisions from the authorization under current law for certain vehicles to be equipped with flashing blue lights.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3726 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a vehicle stopped on the shoulder of the highway or adjacent to the highway that is demarcated by other warning devices, such as traffic cones, flares, or retroreflective devices among the vehicles to which the statutory rules of the road regarding the operation and movement of vehicles as they relate to approaching and passing certain vehicles apply, whereas the introduced did not.

The substitute includes a provision absent from the introduced excluding a vehicle described under the bill's provisions from the authorization under current law for certain vehicles to be equipped with flashing blue lights.