

SUBJECT: Notice for traffic offenses in construction or maintenance work zones

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Siebert, Y. Davis, Edwards, Hamric, Hill, Noriega, Uher
0 nays
2 absent — Alexander, Hawley

WITNESSES: None

BACKGROUND: Under current law, fines assessed for traffic misdemeanor offenses committed in construction or maintenance work zones when workers are present are doubled. Both the minimum and maximum fine applicable to the offense are twice what would be applicable if the offense were committed outside a construction or maintenance work zone. However, a statement that workers were present when the offense was committed is not required to appear on any written appearance notice

DIGEST: HB 1425 would amend the Transportation Code by adding a requirement that notice must be given that workers actually were present when a traffic ticket is issued that could double the fine for violations in a construction or maintenance zone. The notice requirement would apply to:

- ! Section 472.022(d), which deals with the failure to obey warning signs found under the subchapter referring to criminal offenses and penalties regarding warning signs and barricades.
- ! Section 542.404(a), which provides for general fines for offenses in a construction or maintenance work zone.
- ! Section 729.004(b), which provides for fines assessed on minors who commit traffic offenses while driving in construction or maintenance zones.

HB 1425 would take effect on September 1, 1999.

HB 1425
House Research Organization
page 2

SUPPORTERS
SAY:

HB 1425 would eliminate confusion arising over whether or not to double a fine when a traffic offense is committed in a construction or maintenance work zone. If no workers are present, the fine may not be doubled under law. However, traffic tickets sometimes fail to state specifically that workers were present when the offense occurred, leaving traffic court officials uncertain about what penalty to impose. By stating specifically that this notice would be required before a fine could be doubled, HB1425 would end this uncertainty.

HB 1425 would protect the rights of motorists, who would not face double fines unless a law enforcement officer stated in writing that workers were present in the zone when a violation occurred. Worker safety at construction and maintenance sites also would be increased by ensuring that a double fine would be assessed on every occasion when their safety was threatened by traffic scofflaws. The current system sometimes results in traffic offenders escaping the stiffer fine, diluting its effect as a deterrent.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

A related bill, HB 2541 by Hupp, which would require that signs for construction or maintenance work zones indicate where the work zone begins and ends, was reported favorably from the House Transportation Committee on April 6 and recommended for the Local, Consent, and Resolutions Calendar.