

BILL ANALYSIS

Senate Research Center
79R7445 JRJ-D

H.B. 1481
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Transportation & Homeland Security
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The goal of H.B. 1481 is to promote traffic safety. Nearly half of all flood-related deaths occur in vehicles, and are preventable if motorists would obey barricades placed to prevent driving into flooded low-water crossings. H.B. 1481 strengthens and clarifies current law by stating that it is an offense to drive around a barricade and adding the term "dangerous conditions." The bill makes driving around a low water barricade a Class B misdemeanor to deter commission of the offense and allow a judge to order restitution for the expenditure of taxpayer monies in summoning rescue personnel to the scene. Currently, the offense is a Class C misdemeanor and violations are typically heard by a justice of the peace; however, justice courts do not have the authority to order restitution. By elevating the offense to a Class B misdemeanor, jurisdiction moves to a county court at law or a district court which has the legal authority to order restitution.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 472.022, Transportation Code, to read as follows:

Sec. 472.022. OBEYING WARNING SIGNS AND BARRICADES.

SECTION 2. Amends Sections 477.022(a), (d), and (e), Transportation Code, as follows:

(a) Provides that a person commits an offense if the person drives around a barricade. Makes conforming changes.

(d) Provides that an offense under this section is a misdemeanor punishable by a fine of not less than \$1 or more than \$200, except that if a person commits an offense under Subsection (a) where a warning sign or barricade has been placed because water is over any portion of a road, street, or highway, the offense is a Class B misdemeanor.

(e) Redefines "barricade" and "warning sign."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.