

## **BILL ANALYSIS**

Senate Research Center  
81R24864 TRH-D

H.B. 805  
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Transportation & Homeland Security  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Some law enforcement agencies allow or require officers to use their personal vehicles, such as cars, trucks, or motorcycles, to prevent and respond to crimes. To supplement family income, many officers also accept employment outside of their primary law enforcement work by serving as funeral escorts and providing traffic safety services at construction sites and congested areas and security at community functions.

Even though law enforcement officers have used personal vehicles for law enforcement work for many years, this practice has never been authorized by law. The lack of statutory authority came to light after the passage of S.B. 11 by the 80th Legislature, Regular Session, 2007. S.B. 11 included a provision from H.B. 937, which exempted "authorized emergency vehicles" from the requirement to pay tolls. It also defined "authorized emergency vehicles" to include a "police vehicle." A police vehicle is defined as a vehicle of a "governmental entity." Thus, a personal vehicle used for law enforcement purposes or contracted for law enforcement purposes is not an "authorized emergency vehicle."

H.B. 805 amends Section 541.201 (Definitions), Transportation Code, to revise the definition of "authorized emergency vehicles" by striking the requirement that a police vehicle must be owned by a governmental entity. Personal vehicles used as "authorized emergency vehicles" must be authorized by law enforcement agencies in accordance with 170.001 (Regulation of Certain Use of Privately Owned Vehicles), Local Government Code, thereby giving statutory authority to the use of personal vehicles as emergency vehicles. The bill also exempts an authorized emergency vehicle, as defined by the bill, from payment of tolls.

H.B. 805 relates to the definitions of "police vehicle" and "authorized emergency vehicle" for the purposes of certain traffic laws.

### **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 Section 541.201(13-a), Transportation Code, to redefine "police vehicle."

SECTION 2. Amends Section 228.054(a), Transportation Code, to require the operator of a vehicle that is driven or towed through a toll collection facility, other than an authorized emergency vehicle, rather than an authorized vehicle, as defined by Section 541.201 (Vehicles), except as provided by Subsection (e) (relating to the department waiving the payment of a toll), to pay the proper toll. Provides that the exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle.

SECTION 3. Amends Section 284.070, Transportation Code, by amending Subsection (e) and adding Subsection (f), as follows:

- (e) Makes a conforming change.
- (f) Defines "authorized emergency vehicle."

SECTION 4. Amends Section 366.178, Transportation Code, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Makes a conforming change.

(j) Defines "authorized emergency vehicle."

SECTION 5. Amends Sections 370.177(a) and (k), Transportation Code, as follows:

(a) Makes a conforming change.

(k) Defines "authorized emergency vehicle" and "registered owner." Makes a nonsubstantive change.

SECTION 6. Effective date: upon passage or September 1, 2009.