

BILL ANALYSIS

Senate Research Center
82R23926 VOO-D

C.S.H.B. 378
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Tow truck operators are often the first ones at an accident scene and are often the only responders at an incident scene such as a break-down or flat-tire. Towing professionals know too well the dangers of being on the side of the road as traffic drives by. Tragically, an average of one tow operator is killed each week in the United States while providing service to a motorist.

Current law addresses passing an authorized emergency vehicle, but does not address the passing of a stationary tow truck.

C.S.H.B. 378 amends current law relating to stationary tow trucks on a highway and provides a penalty.

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 545.157, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires an operator, on approaching a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 (Restrictions on Use of Lights) and 547.702 (Additional Equipment Requirements for Authorized Emergency Vehicles), or a stationary tow truck using equipment authorized by Section 547.305(d) (relating to vehicles authorized to be equipped with alternately flashing lighting equipment), unless otherwise directed by a police officer, to:

(1) vacate the lane closest to the emergency vehicle or tow truck when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle or tow truck; or

(2) slow to a speed not to exceed:

(A) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or

(B) five miles per hour when the posted speed limit is less than 25 miles per hour.

(d) Defines, in this section, "tow truck."

SECTION 2. Amends Section 545.301(b), Transportation Code, to provide that this section does not apply to an operator of certain vehicles, including a tow truck, as defined by Section 545.157(d), that is performing towing duties under Chapter 2308 (Vehicle Towing and Booting), Occupations Code.

SECTION 3. Amends Section 547.305(a), Transportation Code, to require a motor vehicle lamp or illuminating device, other than a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or emergency vehicle, tow truck, or school bus warning lamp, that projects a beam with an intensity brighter than 300 candlepower to be directed so that no part of the high-intensity portion of the beam strikes the roadway at a distance of more than 75 feet from the vehicle.

SECTION 4. Effective date: September 1, 2011.