REVISOR'S REPORT

TRANSPORTATION CODE
TITLES 1, 2, 3, 4, 6, AND 7

VOLUME VI

A NONSUBSTANTIVE REVISION
OF THE STATUTES RELATING TO
TRANSPORTATION

Including
Carriers
Aviation
Navigation
Roadways
Vehicles and Traffic

To be submitted to the 74th Legislature
as part of the
Texas Legislative Council's
Statutory Revision Program

Austin, Texas
March 1995
Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes). That definition is codified in this code in Section 502.001, and the revised law is drafted accordingly; the reference to subsequent amendments of that statute is omitted from the revised law because Section 311.027, Government Code (Code Construction Act), provides that unless expressly provided otherwise, a reference to any portion of a statute applies to all reenactments, revisions, or amendments of the statute. This provision applies to the revised law.

(2) Section 4(a), V.A.C.S. Article 6701c-4a, refers to the "current supply" of the Texas driver's handbook. The revised law substitutes "September 1, 1993," the effective date of Article 6701c-4a.

[Chapters 526-540 reserved for expansion]

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SUBTITLE C. RULES OF THE ROAD

CHAPTER 541. DEFINITIONS

SUBCHAPTER A. PERSONS AND GOVERNMENTAL AUTHORITIES

Revised Law

Sec. 541.001. PERSONS. In this subtitle:

(1) "Motor carrier" means a common carrier, specialized carrier, or contract carrier that transports property or passengers by motor vehicle or a private carrier that transports property by motor vehicle. The term:

(A) includes an employee, owner, lessee, or officer acting for a motor carrier; and

(B) excludes a well-servicing unit or a self-powered drilling rig.

(2) "Operator" means, as used in reference to a vehicle, a person who drives or has physical control of a vehicle.

(3) "Owner" means, as used in reference to a vehicle, a person who has a property interest in or title to a vehicle. The term:

(A) includes a person entitled to use and possess a vehicle subject to a security interest; and

(B) excludes a lienholder and a lessee whose lease is not intended as security.

(4) "Pedestrian" means a person on foot.

(5) "Person" means an individual, firm, partnership, association, or corporation.

(6) "School crossing guard" means a responsible person who is at least 18 years of age and is designated by a local authority to direct traffic in a school crossing zone for the
protection of children going to or leaving a school. (V.A.C.S. Art. 6701d, Sec. 2(o); Secs. 10(a), (b), (c), (d); Sec. 20K.)

Source Law

[Sec. 2]
(o) "Motor carrier" means any common carrier, specialized carrier, or contract carrier of property or passengers by motor vehicle or any private carrier of property by motor vehicle. Motor carrier includes any employee, owner, lessee, or officer acting for or on behalf of a motor carrier. The term does not include well-servicing units and self-powered drilling rigs.

Sec. 10. (a) Person. Every natural person, firm, copartnership, association, or corporation.
(b) Pedestrian. Any person afoot.
(c) Driver. Every person who drives or is in actual physical control of a vehicle.
(d) Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Sec. 20K. "School crossing guard" means a responsible person over the age of eighteen years (18) who is designated by a local authority to direct traffic in school crossing zones for the protection of children going to and leaving from a public or private primary or secondary school, or any combination thereof.

Revisor's Note

Section 2(o), V.A.C.S. Article 6701d, defining the term "motor carrier," refers to persons acting "for" or "on behalf of" a motor carrier. The reference to "on behalf of" is omitted from the revised law because acting "on behalf of" is included within the meaning of acting "for."

Revised Law

Sec. 541.002. GOVERNMENTAL AUTHORITIES. In this subtitle:
(1) "Department" means the Department of Public Safety acting directly or through its authorized officers and agents.
(2) "Director" means the public safety director.
(3) "Local authority" means:
(A) a county, municipality, or other local
entity authorized to enact traffic laws under the laws of this state; or

(B) a school district created under the laws of this state only when it is designating school crossing guards for schools operated by the district.

(4) "Police officer" means an officer authorized to direct traffic or arrest persons who violate traffic regulations.

(5) "State" has the meaning assigned by Section 311.005, Government Code, and includes a province of Canada.

(V.A.C.S. Art. 6701d, Secs. 9(a), (b), (c) (part); Sec. 11; Sec. 12.)

Source Law

Sec. 9. (a) Director. The Director of the Department of Public Safety of this state.
(b) Department. The Department of Public Safety of this state acting directly or through its duly authorized officers and agents.
(c) [State.] . . . or a province of the Dominion of Canada.

Sec. 11. POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Sec. 12. LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state. Additionally, any school district created under the laws of this state shall constitute a local authority for the limited purpose of designating school crossing guards for schools operated by the school district.

Revisor's Note

(1) The revised law substitutes "public safety director" for "Director of the Department of Public Safety of this state" to conform to the terminology of Chapter 411, Government Code, relating to the Department of Public Safety.

(2) The definition of "state" in Section 9(c), V.A.C.S. Article 6701d, is substantively similar to the definition provided by Section 311.005(7), Government Code (Code Construction Act), applicable to the revised
law, except that the Section 9(c) definition also includes "a province of the Dominion of Canada" within the definition of "state." The revised law refers to Section 311.005 and adds the broader application. The omitted law reads:

(c) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or . . . .

In addition, the revised law substitutes the official name "Canada" for the "Dominion of Canada."

(3) Section 11, V.A.C.S. Article 6701d, defining the term "police officer," refers to an officer authorized to "direct" or "regulate" traffic. The reference to "regulate" is omitted from the revised law because "regulate" is included within the meaning of "direct."

[Sections 541.003-541.100 reserved for expansion]

SUBCHAPTER B. PROPERTY AREAS

Revised Law
Sec. 541.101. METROPOLITAN AREA. In this subtitle, "metropolitan area" means an area that:

(1) contains at least one municipality with a population of at least 100,000; and
(2) includes the adjacent municipalities and unincorporated urban districts. (V.A.C.S. Art. 6701d, Sec. 9(e).)

Source Law
(e) "Metropolitan area" means an area which contains at least one city with a population of one hundred thousand (100,000) or more, according to the latest federal census, and includes the adjacent incorporated cities and unincorporated urban districts.

Revisor's Note
(1) Section 9(e), V.A.C.S. Article 6701d, refers to a "city" and "incorporated cities." The revised law
omits "incorporated" because under the Local Government
Code all municipalities must be incorporated. The
revised law also substitutes the term "municipality"
for "city" because that is the term used in the Local
Government Code.

(2) Section 9(e), V.A.C.S. Article 6701d,
describes a population number that is to be determined
according to the latest federal census. The revised
law omits the reference to the federal census because
the reference is unnecessary. Section 311.005(3),
Government Code (Code Construction Act), and Section
312.011(20), Government Code, define "population" as
population according to the most recent federal
decennial census. That definition applies to the
revised law.

Revised Law
Sec. 541.102. RESTRICTED DISTRICTS. In this subtitle:
(1) "Business district" means the territory adjacent
to and including a highway if buildings used for business or
industrial purposes, including a building used as a hotel, bank,
office building, public building, or railroad station:
(A) are located within a 600-foot segment along
the highway; and
(B) within that segment the buildings occupy at
least 300 feet of frontage:
(i) on one side of the highway; or
(ii) collectively on both sides of the
highway.
(2) "Residence district" means the territory, other
than a business district, adjacent to and including a highway, if
at least 300 feet of the highway frontage is primarily improved
with:
(A) residences; or
(B) buildings used for business purposes and residences.

(3) "Urban district" means the territory adjacent to and including a highway, if the territory:

(A) is not in a municipality; and

(B) is improved with structures that are used for business, industry, or dwelling houses and located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the highway. (V.A.C.S. Art. 6701d, Secs. 9(d), 17.)

Source Law

[Sec. 9] (d) Urban District. The territory contiguous to and including any highway or street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of one-quarter (1/4) of a mile or more on either side except in incorporated cities.

Sec. 17. (a) Business District. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(b) Residence District. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Revisor's Note

(1) Section 9(d), V.A.C.S. Article 6701d, defining the term "urban district," refers to "incorporated cities." The revised law omits "incorporated" and substitutes the term "municipality" for "city" for the reasons stated in Revisor's Note (1) under Section 541.101 of this code.

(2) Section 9(d), V.A.C.S. Article 6701d, refers to a "highway or street." The reference to "street" is
omitted from the revised law because under Section 541.302 of this code "street" and "highway" have the same meaning.

[Sections 541.103-541.200 reserved for expansion]

SUBCHAPTER C. VEHICLES, RAIL TRANSPORTATION, AND EQUIPMENT

Revised Law

Sec. 541.201. VEHICLES. In this subtitle:

(1) "Authorized emergency vehicle" means:

(A) a fire department or police vehicle;

(B) a public or private ambulance operated by a person who has been issued a license by the Texas Department of Health;

(C) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;

(D) a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;

(E) an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the Texas Industrial Fire Training Board of the State Firemen's and Fire Marshals' Association of Texas; or

(F) a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs.

(2) "Bicycle" means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

(3) "Bus" means:

(A) a motor vehicle used to transport persons
and designed to accommodate more than 10 passengers; or
(B) a motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

(4) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement to draw an implement of husbandry, including a plow or a mowing machine.

(5) "House trailer" means a trailer or semitrailer that is equipped to travel on a highway and that:
(A) is designed, constructed, and equipped as a permanent or temporary dwelling or sleeping place; or
(B) has a chassis and exterior shell designed and constructed for a purpose described by Paragraph (A) but is used permanently or temporarily for a commercial purpose, including advertising, selling, displaying, or promoting merchandise or services, other than transporting property for hire or for distribution by a private carrier.

(6) "Implement of husbandry" means a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the soil.

(7) "Light truck" means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

(8) "Moped" means a motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine of which:
(A) cannot produce more than two-brake horsepower; and
(B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

(9) "Motorcycle" means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.
(10) "Motor-driven cycle" means a motorcycle equipped with a motor that has an engine piston displacement of 125 cubic centimeters or less.

(11) "Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires.

(12) "Passenger car" means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers.

(13) "Pole trailer" means a vehicle without motive power:

(A) designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom, or other security device; and

(B) ordinarily used to transport a long or irregularly shaped load, including poles, pipes, or structural members, generally capable of sustaining themselves as beams between the supporting connections.

(14) "Road tractor" means a motor vehicle designed and used to draw another vehicle but not constructed to carry a load independently or a part of the weight of the other vehicle or its load.

(15) "School bus" means a motor vehicle, other than a bus used in an urban area by a common carrier to transport schoolchildren, that:

(A) is being used to transport children to or from a school or school-related activity; and

(B) complies with the color and identification requirements provided in the most recent edition of standards produced and sponsored by the National Education Association's National Commission on Safety Education.

(16) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer:

(A) designed to be drawn by a motor vehicle and
to transport persons or property; and

(B) constructed so that part of the vehicle's weight and load rests on or is carried by another vehicle.

(17) "Special mobile equipment" means a vehicle that is not designed or used primarily to transport persons or property and that is only incidentally operated on a highway. The term:

(A) includes ditchdigging apparatus, well boring apparatus, and road construction and maintenance machinery, including an asphalt spreader, bituminous mixer, bucket loader, tractor other than a truck tractor, ditcher, levelling grader, finishing machine, motor grader, road roller, scarifier, earth-moving carryall and scraper, power shovel or dragline, or self-propelled crane and earth-moving equipment; and

(B) excludes a vehicle that is designed to transport persons or property and that has machinery attached, including a house trailer, dump truck, truck-mounted transit mixer, crane, and shovel.

(18) "Trailer" means a vehicle, other than a pole trailer, with or without motive power:

(A) designed to be drawn by a motor vehicle and to transport persons or property; and

(B) constructed so that no part of the vehicle's weight and load rests on the motor vehicle.

(19) "Truck" means a motor vehicle designed, used, or maintained primarily to transport property.

(20) "Truck tractor" means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load.

(21) "Vehicle" means a device that can be used to transport or draw persons or property on a highway. The term does not include:

(A) a device exclusively used on stationary rails or tracks; or
(B) manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701d, Secs. 2(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n); Secs. 3, 4, 5, 20J; Sec. 166(a) (part).)

Source Law

Sec. 2. (a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.
(b) "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to propel itself with not more than three (3) wheels in contact with the ground but excluding a tractor.
(d) "Authorized Emergency Vehicle" means vehicles of the fire department (fire patrol), police vehicles, public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private vehicles operated by volunteer firemen or certified Emergency Medical Services employees or volunteers while answering a fire alarm or responding to a medical emergency, industrial ambulances and other industrial emergency response vehicles when operating in an emergency situation provided the vehicle is also operated in adherence with criteria established by the Texas Industrial Fire Training Board of the State Firemen's and Fire Marshals' Association of Texas as the criteria are in effect on September 1, 1989, and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.
(e) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of standards as produced and sponsored by the National Commission on Safety Education of the National Education Association, Washington, D.C., and is being used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.
(f) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen (14) inches in diameter.
(g) "Implement of Husbandry" means every vehicle designed and adapted for use as a farm implement, machinery or tool as used in tilling the soil, but shall not include any passenger car or truck.
(h) "Light Truck" means any truck, as defined in this Act, with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly
known as pickup trucks, panel delivery trucks and carryall trucks.

(i) "Motor driven Cycle" means every motorcycle with a motor which has an engine piston displacement of not more than one hundred twenty-five (125) cc.

(j) "Passenger Car" means every motor vehicle, except motorcycles and motor driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(k) "Special Mobile Equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditchdigging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(n) "Moped" means a motor-driven cycle whose speed attainable in one mile is not more than 30 mph and that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston displacement may not exceed 50cc and the power drive system may not require the operator to shift gears.

Sec. 3. (a) Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) Farm Tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(c) Road Tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 4. (a) Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than taxicab, designed and used for the transportation of persons for compensation.

Sec. 5. (a) Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) Semi-Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
(c) Pole Trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(d) House Trailer. A trailer or semitrailer (1) which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(2) whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in Subdivision (1), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Sec. 20J. "Manufactured Housing" as defined by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) is not a "vehicle" subject to this Act.

[Sec. 166]

(a) "Passenger car" means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons. "Light truck" means any truck, as defined in this Act, with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pick-up trucks, panel delivery trucks and carry-all trucks.

Reviser's Note

(1) Section 2(b), V.A.C.S. Article 6701d, defining the term "motor vehicle," refers to a vehicle propelled by electric power from overhead trolley wires "but not operated upon rails." The reference to operation on rails is omitted from the revised law as unnecessary because a vehicle is defined in the revised law to exclude a device exclusively used on stationary rails or tracks.

(2) Section 2(d), V.A.C.S. Article 6701d, in defining "authorized emergency vehicle," refers to "ambulances for which permits have been issued by the
State Board of Health." Chapter 372, Acts of the 71st Legislature, Regular Session, 1989, changed the regulatory scheme by replacing the requirement of permits for ambulances to a requirement of licenses, issued by the Texas Department of Health, for the operators of the ambulances. The revised law is drafted accordingly.

Section 2(d), V.A.C.S. Article 6701d, also refers to an "incorporated city." The revised law omits "incorporated" and substitutes the term "municipality" for "city" for the reasons stated in Revisor's Note (1) under Section 541.101 of this code.

(3) Sections 2(j) and 166(a), V.A.C.S. Article 6701d, excludes from the definition of passenger car a motorcycle and a motor-driven cycle. The revised law omits the reference to motor-driven cycle because that term is included in the definition of motorcycle.

(4) Section 2(k), V.A.C.S. Article 6701d, defining the term "special mobile equipment," refers to "including but not limited to." "[B]ut not limited to" is omitted as unnecessary because Section 311.005(13), Government Code (Code Construction Act), which applies to this chapter, and Section 312.011(19), Government Code, provide that "includes" and "including" are terms of enlargement and not of limitation and do not create a presumption that components not expressed are excluded.

(5) Section 5(d), V.A.C.S. Article 6701d, defining the term "house trailer," refers to "streets and highways." The reference to "streets" is omitted from the revised law because "street" and "highway" have the same meaning.

Section 5(d), V.A.C.S. Article 6701d, also refers to a "dwelling place" and a "living abode." The
reference to "living abode" is omitted from the revised law because "living abode" is included within the meaning of "dwelling place."

Revised Law

Sec. 541.202. RAIL TRANSPORTATION. In this subtitle:

(1) "Railroad" means a carrier that operates cars, other than streetcars, on stationary rails to transport persons or property.

(2) "Railroad train" means a steam engine or electric or other motor with or without an attached car operated on rails, other than a streetcar.

(3) "Streetcar" means a car, other than a railroad train, used to transport persons or property and operated on rails located primarily within a municipality. (V.A.C.S. Art. 6701d, Sec. 7.)

Source Law

Sec. 7. (a) Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

(b) Railroad Train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

(c) Street Car. A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

Revised Law

Sec. 541.203. EQUIPMENT. In this subtitle:

(1) "Exhaust emission system" means a motor vehicle engine modification designed to control or reduce the emission of substances from a motor vehicle or motor vehicle engine, of a model year of 1968 or later, and installed on or incorporated in a motor vehicle or motor vehicle engine in compliance with requirements imposed by the Motor Vehicle Air Pollution Control Act (42 U.S.C. Section 1857 et seq.) or other applicable law.

(2) "Metal tire" includes a tire the surface of which in contact with the highway is wholly or partly made of metal or
other hard, nonresilient material.

(3) "Muffler" means a device that reduces noise using:
   (A) a mechanical design, including a series of chambers or baffle plates, to receive exhaust gas from an internal combustion engine; or
   (B) turbine wheels to receive exhaust gas from a diesel engine.

(4) "Solid tire" includes only a tire that:
   (A) is made of rubber or another resilient material; and
   (B) does not use compressed air to support its load. (V.A.C.S. Art. 6701d, Secs. 2(m), 2A, 6(b), (c).)

Source Law

[Sec. 2]

(m) "Muffler" means a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and/or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, both of which are effective in reducing noise.

Sec. 2A. EXHAUST EMISSION SYSTEM. Any motor vehicle engine modification to control or cause the reduction of substances emitted from motor vehicles or motor vehicle engines beginning with the model year 1968, which system is installed on or incorporated in any motor vehicle or motor vehicle engine in compliance with the requirements imposed by or under authority of the (United States) Motor Vehicle Air Pollution Control Act, Public Law 89-272, 42 U.S.C. 1857, et seq., or other applicable law.

[Sec. 6]

(b) Solid Tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) Metal Tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard non-resilient material.

[Sections 541.204-541.300 reserved for expansion]
vehicles and streetcars, singly or together while using a highway for the purposes of travel. (V.A.C.S. Art. 6701d, Sec. 19.)

Source Law

Sec. 19. TRAFFIC. Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.

Revised Law

Sec. 541.302. TRAFFIC AREAS. In this subtitle:

(1) "Alley" means a street that:
(A) is not used primarily for through traffic;
and
(B) provides access to rear entrances of buildings or lots along a street.

(2) "Crosswalk" means:
(A) the portion of a roadway, including an intersection, designated as a pedestrian crossing by surface markings, including lines; or
(B) the portion of a roadway at an intersection that is within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(3) "Freeway" means a divided, controlled-access highway for through traffic.

(4) "Freeway main lane" means a freeway lane having an uninterrupted flow of through traffic.

(5) "Highway or street" means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

(6) "Improved shoulder" means a paved shoulder.

(7) "Laned roadway" means a roadway that is divided into at least two clearly marked lanes for vehicular travel.

(8) "Limited-access or controlled-access highway"
means a highway or roadway to which:

(A) persons, including owners or occupants of abutting real property, have no right of access; and

(B) access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

(9) "Private road or driveway" means a privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

(10) "Ramp" means an interconnecting roadway of a traffic interchange, or a connecting roadway between highways at different levels or between parallel highways, that allows a vehicle to enter or exit a roadway.

(11) "Roadway" means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

(12) "Safety zone" means the area in a roadway officially designated for exclusive pedestrian use and that is protected or so marked or indicated by adequate signs as to be plainly visible at all times while so designated.

(13) "School crossing zone" means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

(14) "School crosswalk" means a crosswalk designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school.

(15) "Shoulder" means the portion of a highway that is:
(A) adjacent to the roadway;

(B) designed or ordinarily used for parking;

(C) distinguished from the roadway by different design, construction, or marking; and

(D) not intended for normal vehicular travel.

(16) "Sidewalk" means the portion of a street that is:

(A) between a curb or lateral line of a roadway and the adjacent property line; and

(B) intended for pedestrian use. (V.A.C.S. Art. 6701d, Secs. 13(a), (b), (c), (d), (e), (g), (i), (j), (k), (l), (m), (n); Secs. 15, 16, 20L, 20M.)

Sec. 13. (a) Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(b) Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(c) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(d) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(e) Laned Roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(g) Limited-Access or Controlled Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(i) "Freeway" means a divided, controlled access highway for through traffic.

(j) "Freeway main lane" means a traffic lane to which access is controlled, permitting uninterrupted flow of through traffic.

(k) "Ramp" means an interconnecting roadway of a traffic interchange, or any connection between highways at different levels or between parallel highways, on which vehicles may enter or leave a designated roadway.

(l) "Shoulder" means the portion of a highway that is:
(1) contiguous to the roadway;
(2) designed or ordinarily used for parking;
(3) set off from the roadway by different design, construction, or marking; and
(4) not intended for normal vehicular travel.

(m) "Improved shoulder" means a paved shoulder.

(n) "Alley" means a street that:
(1) is not used primarily for through traffic; and
(2) gives access to rear entrances of buildings or lots along the street.

Sec. 15. CROSSWALK. (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

Sec. 16. SAFETY ZONES. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 20L. "School crossing zone" means a reduced speed zone designated upon any street by a local authority to facilitate safe crossing of the street by children going to or leaving from a public or private elementary or secondary school, or any combination thereof at a time when the reduced speed limit applies.

Sec. 20M. "School crosswalk" means a crosswalk designated upon any street by a local authority to facilitate safe crossing of the street by children going to or leaving from a public or private elementary or secondary school, or any combination thereof.

Revisor's Note

(1) Section 13(g), V.A.C.S. Article 6701d, refers to a "street" or "highway." The reference to "street" is omitted from the revised law because "street" and "highway" have the same meaning.

(2) Section 16, V.A.C.S. Article 6701d, defining the term "safety zone," refers to "area" or "space." The reference to "space" is omitted from the revised law because "space" is included within the meaning of "area."

Revised Law

Sec. 541.303. INTERSECTION. (a) In this subtitle,
"intersection" means the common area at the junction of two highways, other than the junction of an alley and a highway.

(b) The dimensions of an intersection include only the common area:

(1) within the connection of the lateral curb lines or, in the absence of curb lines, the lateral boundary lines of the roadways of intersecting highways that join at approximate right angles; or

(2) at the place where vehicles could collide if traveling on roadways of intersecting highways that join at any angle other than an approximate right angle.

(c) Each junction of each roadway of a highway that includes two roadways at least 30 feet apart with the roadway of an intersecting highway, including each roadway of an intersecting highway that includes two roadways at least 30 feet apart, is a separate intersection. (V.A.C.S. Art. 6701d, Secs. 14(a), (b), (c).)

Source Law

Sec. 14. INTERSECTION. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

Revisor's Note

Section 14(a), V.A.C.S. Article 6701d, defining the term "intersection," refers to "prolongation" or "connection." The reference to "prolongation" is omitted from the revised law because "prolongation" is
included within the meaning of "connection."

Revised Law

Sec. 541.304. TRAFFIC CONTROL. In this subtitle:

(1) "Official traffic-control device" means a sign, signal, marking, or device that is:
   (A) consistent with this subtitle;
   (B) placed or erected by a public body or officer having jurisdiction; and
   (C) used to regulate, warn, or guide traffic.

(2) "Railroad sign or signal" means a sign, signal, or device erected by a railroad, public body, or public officer to notify traffic of railroad tracks or an approaching railroad train.

(3) "Traffic-control signal" means a manual, electric, or mechanical device that alternately directs traffic to stop and to proceed. (V.A.C.S. Art. 6701d, Sec. 18.)

Source Law

Sec. 18. (a) Official Traffic-Control Devices. All signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) Traffic-Control Signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(c) Railroad Sign or Signal. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

[Sections 541.305-541.400 reserved for expansion]

SUBCHAPTER E. MISCELLANEOUS TERMS

Revised Law

Sec. 541.401. MISCELLANEOUS TERMS. In this subtitle:

(1) "Daytime" means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

(2) "Explosive" means a chemical compound or mechanical mixture that:
(A) is commonly intended for use or used to produce an explosion; and

(B) contains ingredients, which may include oxidizing or combustive units, in packing, proportions, or quantities that, if ignited by fire, friction, concussion, percussion, or detonator, could suddenly generate highly heated gases that could damage surrounding objects or destroy life or limb.

(3) "Flammable liquid" means a liquid that has a flash point of not more than 70 degrees Fahrenheit as determined by a tagliabue or equivalent closed-cup test device.

(4) "Gross vehicle weight" means the weight of a vehicle and the weight of its load.

(5) "Nighttime" means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

(6) "Park" or "parking" means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

(7) "Personal injury" means an injury to any part of the human body and that requires treatment.

(8) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

(9) "Stand" or "standing" means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

(10) "Stop" or "stopping" means:

(A) when required, to completely cease movement; and

(B) when prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with
the directions of a police officer or a traffic-control sign or signal. (V.A.C.S. Art. 6701d, Secs. 8, 10(e), 20, 20A, 20C, 20E, 20F, 20G, 20H; Sec. 166(a) (part).)

Source Law

Sec. 8. (a) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(b) Flammable Liquid. Any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed-cup test device.

[Sec. 10]

(e) Personal Injury. A wound or injury to any part of the human body which necessitates treatment.

Sec. 20. RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Sec. 20A. "Daytime" means from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, and "nighttime" means at any other hour.

Sec. 20C. GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

Sec. 20E. PARK OR PARKING. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Sec. 20F. STAND OR STANDING. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Sec. 20G. STOP. When required means complete cessation from movement.

Sec. 20H. STOP OR STOPPING. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

[Sec. 166]

(a) . . .

"Daytime" means from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, and "nighttime" means at any other hour.
Revisor's Note
(End of Chapter)

(1) Section 1, V.A.C.S. Article 6701d, indicating that each definition has the meaning respectively ascribed for purposes of Article 6701d, is omitted as a general section. The revised law includes prefatory language in each section indicating that the definitions are applicable throughout the subtitle. The omitted section reads:

Art. 6701d
Sec. 1. The following words and phrases when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this Article.

(2) The following definitions provided in Sections 2(1), (p) as added by Chapter 377, Acts of the 70th Legislature, Regular Session, 1987, 6(a), 10(f), 17A, and 20D, V.A.C.S. Article 6701d, are omitted from the revised law because the defined terms are not used in Article 6701d or in the revised law: "trackless trolley coach," "hazardous material shipper," "pneumatic tire," "nonresident," "public beach," and "non-resident's operating privilege." The omitted definitions read:

[Sec. 2]
(1) "Trackless Trolley Coach" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(p) "Hazardous material shipper" means a consignor, consignee, or beneficial owner of a shipment of hazardous materials.

Sec. 6. (a) Pneumatic Tire. Every tire in which compressed air is designed to support the load.

[Sec. 10]
(f) Nonresident. Every person who is not a resident of this State.

Sec. 17A. "Public beach" shall mean any beach bordering on the Gulf of Mexico which extends inland from the line of mean low tide to the natural line of vegetation.
bordering on the seaward shore of the Gulf of Mexico, or such larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom.

Sec. 20D. NONRESIDENT'S OPERATING PRIVILEGE. The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

CHAPTER 542. GENERAL PROVISIONS

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CHAPTER 542. GENERAL PROVISIONS

SUBCHAPTER A. APPLICABILITY

Revised Law

Sec. 542.001. VEHICLES ON HIGHWAYS. A provision of this subtitle relating to the operation of a vehicle applies only to the operation of a vehicle on a highway unless the provision specifically applies to a different place. (V.A.C.S. Art. 6701d, Sec. 21, Subdiv. 1.)

Source Law

Sec. 21. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:
1. Where a different place is specifically referred to in a given section.

Sec. 21. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:
1. Where a different place is specifically referred to in a given section.

Revised Law

Sec. 542.002. GOVERNMENT VEHICLES. A provision of this subtitle applicable to an operator of a vehicle applies to the operator of a vehicle owned or operated by the United States, this state, or a political subdivision of this state, except as specifically provided otherwise by this subtitle for an authorized emergency vehicle. (V.A.C.S. Art. 6701d, Sec. 24(f).)
(f) The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Act with reference to authorized emergency vehicles.

Revisor's Note
The revised law omits the reference in Section 24(f), V.A.C.S. Article 6701d, to applicability "upon the highways" as unnecessary because Section 21, V.A.C.S. Article 6701d, as amended by Chapters 83 and 741, Acts of the 62nd Legislature, Regular Session, 1971, revised as Section 542.001 of this code, states that this subtitle applies only to the operation of a vehicle on a highway unless otherwise specifically provided.

Revised Law
Sec. 542.003. ANIMALS AND ANIMAL-DRAWN VEHICLES. A person riding an animal on a roadway or operating a vehicle drawn by an animal on a roadway has the rights and duties applicable to the operator of a vehicle under this subtitle, except a right or duty that by its nature cannot apply to a person riding an animal or operating a vehicle drawn by an animal. (V.A.C.S. Art. 6701d, Sec. 25.)

Sec. 542.004. PERSONS AND EQUIPMENT ENGAGED IN WORK ON HIGHWAY SURFACE. This subtitle does not apply to a person, team, motor vehicle, or other equipment engaged in work on a highway...
unless the provision is specifically made applicable, but does not apply to those persons and vehicles while traveling to or from that work. (V.A.C.S. Art. 6701d, Sec. 24(a) (part).)

Source Law

Sec. 24. (a) Unless specifically made applicable, the provisions of this chapter except those contained in ... Articles 802b, 802c and 802e, Penal Code of Texas, 1925, as amended shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

Reviser's Note

Section 24(a), V.A.C.S. Article 6701d, states "the provisions of this chapter except those contained in ... Articles 802b, 802c and 802e, Penal Code ... shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway." The conduct proscribed by Articles 802b and 802c, Penal Code of Texas, 1925, is now proscribed by Chapter 49 of the Penal Code. The conduct proscribed by Article 802e of that code is now proscribed by V.A.C.S. Article 6701d-4, revised in this code as Chapter 729. These provisions, in the context of the law where they are located, apply to violations occurring during work on the highway.

Revised Law

Sec. 542.005. RULES ON PRIVATE PROPERTY. This subtitle does not prevent an owner of private property that is a private road from:

(1) regulating or prohibiting use of the property by the public for vehicular travel; or

(2) requiring conditions different from or in addition to those specified by this subtitle. (V.A.C.S. Art. 6701d, Sec. 28.)
Sec. 28. Nothing in this Act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Act, or otherwise regulating such use as may seem best to such owner.

Reviser's Note
Section 28, V.A.C.S. Article 6701d, refers to the owner of "real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right." The revised law omits this phrase as unnecessary because Section 13(b), V.A.C.S. Article 6701d, revised in Section 541.302 of this code, includes that phrase in the definition of "private road."

Revised Law
Sec. 542.006. SPEED RESTRICTIONS ON PRIVATE ROADS. (a) The owners of a majority of the parcels of real property abutting a private road may petition the Texas Transportation Commission to extend the speed restrictions of this subtitle to the portion of the road in a subdivision if:

(1) the road is not in a municipality;

(2) a plat for the subdivision has been filed in the deed records of the county; and

(3) the subdivision has at least 400 residents.

(b) After the commission receives a petition and verifies the property ownership of its signers, the commission may issue an order extending the speed restrictions to the private road if the commission finds the order is in the interests of the area residents and the public generally.

(c) If the commission rejects the petition, the commission shall hold a public hearing on the advisability of making the speed restrictions applicable. The hearing must be held in the county in...
Section 28A. (a) The owners of a majority of the parcels of real property abutting a private road that is outside the limits of an incorporated city or town and that runs through or in any part of a subdivision for which a plat has been filed in the deed records of a county and which has four hundred (400) or more residents may submit to the State Highway and Public Transportation Commission a petition for the purpose of having the speed restrictions of this Act extended to the portion of the road that is within the subdivision.

(b) After receiving a petition and verifying the property ownership of the signers of the petition, if the commission finds that it would be in the interests of the residents of the area and the public generally, the commission shall issue an order making the speed restrictions of this Act applicable to the portion of the private road that is the subject of the petition.

(c) If the commission rejects a petition submitted under this section, the commission shall hold a public hearing in the county in which the portion of the private road that is the subject of the petition is located, on the question of the advisability of including the private road within the scope of the speed restrictions of this Act. The commission shall cause notice of the public hearing to be published at least ten (10) days before the date of the hearing in a newspaper of general circulation in the county in which the hearing is scheduled.

(d) At the hearing, if the commission finds that it would be in the interests of the residents of the area and the public generally, the commission shall issue an order making the speed restrictions of this Act applicable to the portion of the private road that is the subject of the petition.

(e) If the commission issues an order extending the speed restrictions of this Act to a private road, the private road becomes a public highway for purposes of setting and enforcing speed restrictions under this subtitle, and the commission shall post speed limit signs on property abutting the private road with the consent of the owner of the property on which a sign is placed. (V.A.C.S. Art. 6701d, Sec. 28A.)
of setting and enforcing speed restrictions under this Act. After issuance of an order under this section, the commission shall cause signs stating speed limits to be posted on property abutting the private road, with the consent of the owners of the property on which the signs are placed.

**Revisor's Note**

(1) Section 28A(a), V.A.C.S. Article 6701d, refers to an "incorporated city or town." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city or town" because that is the term used in the Local Government Code for both entities.

(2) Section 28A(a), V.A.C.S. Article 6701d, refers to a private road "that runs through or in any part of a subdivision." This language is omitted from the revised law because it is clear that if a portion of the road is within the subdivision, then the road runs through or in a part of the subdivision.

(3) Section 28A(a), V.A.C.S. Article 6701d, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for the reason stated in the reviser's note under Section 201.003 of this code.

[Sections 542.007-542.200 reserved for expansion]

**SUBCHAPTER B. UNIFORMITY AND INTERPRETATION OF TRAFFIC LAWS**

**Revised Law**

Sec. 542.201. GENERAL RULE OF UNIFORMITY. This subtitle applies uniformly throughout this state. A local authority may not enact or enforce an ordinance or rule that conflicts with this subtitle unless expressly authorized by this subtitle. However, a local authority may regulate traffic in a manner that does not conflict with this subtitle. (V.A.C.S. Art. 6701d, Sec. 26.)
Sec. 26. The provisions of this Act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this Act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Act.

Reviser's Note
Section 26, V.A.C.S. Article 6701d, refers to an "ordinance, rule, or regulation." The revised law omits the reference to a "regulation" because under Section 311.005(5), Government Code (Code Construction Act), a rule includes a regulation.

Revised Law
Sec. 542.202. POWERS OF LOCAL AUTHORITIES. (a) This subtitle does not prevent a local authority, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, from:

(1) regulating traffic by police officers or traffic-control devices;

(2) regulating the stopping, standing, or parking of a vehicle;

(3) regulating or prohibiting a procession or assemblage on a highway;

(4) regulating the operation and requiring registration and licensing of a bicycle, including payment of a registration fee;

(5) regulating the time, place, and manner in which a roller skater may use a highway;

(6) regulating the speed of a vehicle in a public park;

(7) regulating or prohibiting the turning of a vehicle or specified type of vehicle at an intersection;

(8) designating an intersection as a stop intersection...
or a yield intersection and requiring each vehicle to stop or yield
at one or more entrances to the intersection;

(9) designating a highway as a through highway;
(10) designating a highway as a one-way highway and
requiring each vehicle on the highway to move in one specific
direction;
(11) designating school crossing guards and school
crossing zones;
(12) altering a speed limit as authorized by this
subtitle; or
(13) adopting other traffic rules specifically
authorized by this subtitle.

(b) In this section:
(1) "Roller skater" means a person wearing footwear
with a set of wheels attached.
(2) "Through highway" means a highway or a portion of
a highway on which:
(A) vehicular traffic is given preferential
right-of-way; and
(B) vehicular traffic entering from an
intersecting highway is required by law to yield right-of-way in
compliance with an official traffic-control device. (V.A.C.S.
Art. 6701d, Secs. 2(r), 13(f), 27(a).)

Source Law

[Sec. 2]
(r) "Roller skater" means a person wearing
footwear with a set of wheels attached.

[Sec. 13]
(f) Through Highway. Every highway or portion
thereof on which vehicular traffic is given
preferential right-of-way, and at the entrances to
which vehicular traffic from intersecting highways is
required by law to yield right-of-way to vehicles on
such through highway in obedience to a stop sign, yield
sign or other official traffic-control device, when
such signs or devices are erected as provided in this
Act.

Sec. 27. (a) The provisions of this Act shall
not be deemed to prevent local authorities with respect
to streets and highways under their jurisdiction and
within the reasonable exercise of the police power
1. Regulating the stopping, standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control devices;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop or yield before entering or crossing the same, or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;
7. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
8. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
9. Altering the speed limits as authorized herein;
10. Designating school crossing guards and school crossing zones;
11. Regulating the time, place, and manner in which roller skaters may use streets or highways; or
12. Adopting such other traffic regulations as are specifically authorized by this Act.

Revisor's Note

(1) Section 13(f), V.A.C.S. Article 6701d, refers to "obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided in this Act." A reference to "an official traffic-control device" is sufficient to encompass the references to the particular signs and to the erection of the signs under this subtitle because the definition of "official traffic-control device" in Section 541.304 of this code includes those concepts.

(2) Section 27(a), V.A.C.S. Article 6701d, refers to roller skaters using "streets or highways." The revised law omits "streets" because under Section 13(a), V.A.C.S. Article 6701d, revised as Section 541.302 of this code, "street" and "highway" have the same meaning.
(3) Section 27(a), V.A.C.S. Article 6701d, refers to a "traffic regulation." The revised law substitutes "rule" for "regulation" because under Section 311.005(5), Government Code (Code Construction Act), a rule includes a regulation.

(4) Section 27(a), V.A.C.S. Article 6701d, provides that a local authority is not prohibited from designating a highway as a through highway "and requiring that all vehicles stop or yield before entering or crossing the same." The revised law omits this phrase because it is contained in the definition of "through highway" in Section 13(f), V.A.C.S. Article 6701d, revised as Subsection (b)(2) of this section.

Revised Law

Sec. 542.203. LIMITATION ON LOCAL AUTHORITIES. (a) A local authority may not erect or maintain a traffic-control device to direct the traffic on a state highway, including a farm-to-market or ranch-to-market road, to stop or yield before entering or crossing an intersecting highway unless permitted by agreement between the local authority and the Texas Department of Transportation under Section 221.002.

(b) An ordinance or rule of a local authority is not effective until signs giving notice are posted on or at the entrance to the highway or part of the highway, as may be most appropriate. This subsection applies only to an ordinance or rule that:

(1) regulates the speed of a vehicle in a public park;
(2) alters a speed limit as authorized by this subtitle;
(3) designates an intersection as a stop intersection or a yield intersection; or
(4) designates a highway as a one-way highway or a through highway.
(c) An ordinance or rule of a local authority regulating the
time, place, and manner in which a roller skater may use a highway
may not alter the local authority's standard of care or liability
with regard to construction, design, or maintenance of a highway.
(V.A.C.S. Art. 6701d, Secs. 27(b), (c), (d).)

Source Law

(b) No local authority shall erect or maintain
any stop sign or yield sign or traffic-control device
at any location so as to require the traffic on any
State highway, including Farm-to-Market or
Ranch-to-Market roads, to stop or yield before entering
or crossing any intersecting highway unless such signs
or devices are erected and maintained by virtue of an
agreement entered into between such local authority and
the State Highway Department under the provisions of
Senate Bill No. 415, Acts of the 46th Legislature,
Regular Session.
(c) No ordinance or regulation enacted under
Subsection (4), (5), (6), or (9) of Subsection (a) of
this section shall be effective until signs giving
notice of such local traffic regulations are posted
upon or at the entrances to the highway or part thereof
affected as may be most appropriate.
(d) An ordinance or regulation enacted under
Subsection (11) of Subsection (a) of this section may
not alter a local authority's standard of care or
liability with regard to construction, design, or
maintenance of streets or highways.

Revisor's Note

(1) Section 27(b), V.A.C.S. Article 6701d,
refers to "any stop sign or yield sign or
traffic-control device." The revised law omits the
references to "stop sign" and "yield sign" because
those terms are included within the meaning of
"traffic-control device."
(2) Section 27(b), V.A.C.S. Article 6701d,
refers to the "State Highway Department." The revised
law substitutes "Texas Department of Transportation"
for the reason stated in the revisor's note under
Section 201.003 of this code.
(3) Section 27(b), V.A.C.S. Article 6701d,
refers to "Senate Bill No. 415, Acts of the 46th
Legislature, Regular Session." That enactment became
Article 6673b, which is codified in Chapter 221 of this code. The revised law is drafted accordingly.

(4) Section 27(c), V.A.C.S. Article 6701d, refers to "Subsection (4), (5), (6), or (9) of Subsection (a) of this section." The revised law replaces the references to Subsections (a)(4), (5), (6), and (9) with the content of those subsections.

(5) Section 27(d), V.A.C.S. Article 6701d, refers to "[a]n ordinance or regulation enacted under Subsection (11) of Subsection (a) of this section." The revised law replaces this reference with the content of that subsection. Section 27(d) also refers to maintenance of "streets or highways." The revised law omits "streets" because under Section 13(a), V.A.C.S. Article 6701d, revised in Section 541.302 of this code, "street" and "highway" have the same meaning.

Revised Law
Sec. 542.204. POWERS RELATED TO INTERSECTIONS. The Texas Transportation Commission and a local authority may, in a matter of highway or traffic engineering design, consider the separate intersections of divided highways with medians at least 30 feet apart as components of a single intersection. (V.A.C.S. Art. 6701d, Sec. 14(d).)

Source Law
(d) Notwithstanding the provisions of Subsection (b) of this section, the State Highway Commission and local authorities may, in matters of highway and traffic engineering design, consider the separate intersections of divided highways with medians thirty (30) feet wide or wider, as defined in Subsection (b) of this section, as components of a single intersection.
Revisor's Note

Section 14(d), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for the reason stated in the revisor's note under Section 201.003 of this code.

Revised Law

Sec. 542.205. CONFLICT BETWEEN THIS SUBTITLE AND AN ORDER, RULE, OR REGULATION OF CERTAIN AGENCIES. (a) If this subtitle conflicts with an order, rule, regulation, or requirement of the Interstate Commerce Commission or the Railroad Commission of Texas relating to a vehicle safety requirement, including a requirement relating to vehicle equipment, compliance by the owner or operator of the vehicle with the order, rule, regulation, or requirement of the Interstate Commerce Commission or the Railroad Commission of Texas is compliance with this subtitle.

(b) The owner or operator of a vehicle shall comply with any requirement of this subtitle that is in addition to, but not in conflict with, a requirement of the Interstate Commerce Commission or the Railroad Commission of Texas. (V.A.C.S. Art. 6701d, Sec. 156 (part).)

Source Law

Sec. 156

If there be a conflict between any of the provisions of this Act and the orders, rules, regulations, and requirements of the Interstate Commerce Commission or the Railroad Commission of Texas, relating to the equipping, and other safety requirements of vehicles, motor vehicles, truck tractors, trucks, busses, trailers, semi-trailers, or pole-trailers, compliance by the owner or operator of such vehicles with such orders, rules, and regulations of the Interstate Commerce Commission or the Railroad Commission of Texas shall be deemed a compliance with this Act; except that any requirements of this Act in addition to, but not in conflict with, the requirements of the Interstate Commerce Commission or the Railroad Commission shall be complied with.
Revisor's Note

Section 156, V.A.C.S. Article 6701d, refers to "a conflict between any of the provisions of this Act and the orders, rules, regulations, and requirements . . . relating to the equipping, and other safety requirements of vehicles, motor vehicles, truck tractors, trucks, busses, trailers, semi-trailers, or pole trailers." The revised law deletes "motor vehicles, truck tractors, trucks, busses, trailers, semi-trailers, or pole trailers" because each of these items is defined by Chapter 541 of this code as a vehicle.

Revised Law

Sec. 542.206. EFFECT OF SPEED LIMITS IN A CIVIL ACTION. A provision of this subtitle declaring a maximum or minimum speed limit does not relieve the plaintiff in a civil action from the burden of proving negligence of the defendant as the proximate cause of an accident. (V.A.C.S. Art. 6701d, Sec. 171(b).)

Source Law

(b) The provisions of this Act declaring maximum or minimum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

[Sections 542.207-542.300 reserved for expansion]

SUBCHAPTER C. OFFENSES

Revised Law

Sec. 542.301. GENERAL OFFENSE. (a) A person commits an offense if the person performs an act prohibited or fails to perform an act required by this subtitle.

(b) Except as otherwise provided, an offense under this subtitle is a misdemeanor. (V.A.C.S. Art. 6701d, Secs. 22, 143(a).)
Sec. 22. It is unlawful and unless otherwise declared in this Act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Act.

Sec. 143. (a) It is a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this State declared to be a felony.

Sec. 146. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

The revised law omits the reference in Section 146, V.A.C.S. Article 6701d, to "upon a highway" for the reason stated in the reviser's note under Section 542.002 of this code.

Sec. 145. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the
commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Act is likewise guilty of such offense.

Revisor's Note

(1) Section 145, V.A.C.S. Article 6701d, states that a "person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of . . . a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory" is guilty of the offense. The revised law omits "commits" because Section 542.301 of this code provides that a person commits an offense if the person violates this subtitle. The phrases "aids or abets" and "as a principal, agent, or accessory" are omitted from the revised law because Section 7.01, Penal Code, which applies to offenses defined by laws outside the Penal Code under Section 1.03(b), Penal Code, abolished the distinction between accomplices and principals. In addition, the phrase "whether individually or in connection with one or more other persons" is omitted from the revised law because it is unnecessary.

(2) Section 145, V.A.C.S. Article 6701d, refers to a "person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another." The revised law omits "forcibly" because it is included within the meaning of "coerces." The revised law omits "induces, causes, coerces, requires," and "directs," because Section 7.02(a)(2), Penal Code, provides that a person is criminally responsible for an offense committed by another, if the person "solicits, encourages, directs, aids, or
attempts to aid the other person to commit the
offense." Section 7.02(a)(2) is applicable to offenses
defined by V.A.C.S. Article 6701d, and the revised law
is drafted accordingly.

[Sections 542.304-542.400 reserved for expansion]

SUBCHAPTER D. PENALTIES AND COSTS OF COURT

Revised Law
Sec. 542.401. GENERAL PENALTY. A person convicted of an
offense that is a misdemeanor under this subtitle for which another
penalty is not provided shall be punished by a fine of not less
than $1 or more than $200. (V.A.C.S. Art. 6701d, Sec. 143(b).)

Source Law
(b) Every person convicted of a misdemeanor for
a violation of any of the provisions of this Act for
which another penalty is not provided shall be punished
by a fine of not less than One ($1.00) Dollar nor more
than Two Hundred ($200.00) Dollars.

Revised Law
Sec. 542.402. DISPOSITION OF FINES. (a) A municipality or
county shall use a fine collected for a violation of a highway law
in this subtitle to:

(1) construct and maintain roads, bridges, and
culverts in the municipality or county;

(2) enforce laws regulating the use of highways by
motor vehicles; and

(3) defray the expense of county traffic officers.

(b) In each fiscal year, a municipality having a population
of less than 5,000 may retain, from fines collected for violations
of highway laws in this subtitle, an amount equal to 30 percent of
the municipality's revenue for the preceding fiscal year from all
sources, other than federal funds and bond proceeds, as shown by
the audit performed under Section 103.001, Local Government Code.
After a municipality has retained that amount, the municipality
shall send to the state treasurer any portion of a fine collected
that exceeds $1. (V.A.C.S. Art. 6701d, Secs. 144(a), (b) (part),
(e).)

Source Law

Sec. 144. (a) Fines collected for violation of any highway law as set forth in this Act shall be used by the municipality or the counties in which the same are assessed and to which the same are payable in the construction and maintenance of roads, bridges, and culverts therein, and for the enforcement of the traffic laws regulating the use of the public highways by motor vehicles and motorcycles and to help defray the expense of county traffic officers.

(b) In each fiscal year, a municipality may retain, from fines collected for violation of any highway law as set forth in this Act, an amount equal to 30 percent of the municipality's revenue for the preceding fiscal year from all sources, other than federal funds and bond proceeds, as shown by the audit performed under Section 103.001, Local Government Code. After a municipality has retained that amount, the municipality shall send to the state treasurer any portion of a fine collected that exceeds one dollar ($1). . . .

(e) The provisions of Subsection 144(b), shall not be applicable to any municipality having a population of 5,000 or more inhabitants according to the last preceding federal census.

Revisor's Note

(1) Section 144(a), V.A.C.S. Article 6701d, states that "[f]ines collected . . . shall be used by the municipality or the counties in which the same are assessed and to which the same are payable." The revised law refers only to fines collected, since a fine must be collected by the municipality or county in which it was assessed and to which it is payable.

(2) Section 144(a), V.A.C.S. Article 6701d, refers to "traffic laws regulating the use of the public highways by motor vehicles and motorcycles." The revised law omits "public" because "highway" is defined in Chapter 541 of this subtitle to include only certain areas that are "publicly maintained." "Motorcycle" is omitted because a motorcycle is a motor vehicle.

(3) The revised law omits as unnecessary the
provision in Section 144(b), V.A.C.S. Article 6701d, that requires money to be deposited to the credit of the general revenue fund. Section 404.094, Government Code (State Funds Reform Act), requires all money, including the referenced money, collected or received by a state agency to be deposited to the credit of the general revenue fund. It is unnecessary to repeat that requirement in this chapter. The omitted provision reads:

The state treasurer shall deposit funds received under this section in the state treasury to the credit of the general revenue fund.

(4) Sections 144(c) and (d), V.A.C.S. Article 6701d, define "interstate highway" and "speed-measuring device." The revised law omits these definitions because the defined terms are not used in Article 6701d or in this revision. The omitted provisions read:

(c) Definition: "Interstate highway" as used herein is a portion of the national system of interstate and defense highways located within this state which now or hereafter may be designated officially by the Texas Highway Commission and approved pursuant to Title 23, United States Code.

(d) Definition: "Speed-measuring device" as used herein is any "Doppler shift speed meter" or other "radar" device whether operating under a pulse principle or a continuous-wave principle, photo-traffic camera, or any other electronic device used to detect and measure speed.

(5) Section 144(e), V.A.C.S. Article 6701d, provides that Section 144(b) "shall not be applicable to any municipality having a population of 5,000 or more inhabitants according to the last preceding federal census." The revised law omits the reference to the federal census because the reference is unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 312.011(20), Government Code, define "population" as population according to
the most recent federal decennial census. That definition applies to the revised law.

Revised Law

Sec. 542.403. COURT COSTS. (a) In addition to other costs, a person convicted of a misdemeanor under this subtitle shall pay $3 as a cost of court.

(b) The officer who collects a cost under this section shall:

(1) deposit in the municipal treasury a cost collected in a municipal court case; and

(2) deposit in the county treasury a cost collected in a justice court case or in a county court case, including a case appealed from a justice or municipal court. (V.A.C.S. Art. 6701d, Sec. 143(c).)

Source Law

(c)(1) In addition to other costs, a person convicted of a misdemeanor offense under this Act shall pay as a cost of court $3.

(2) An officer collecting costs under this subsection in municipal court shall deposit the funds in the municipal treasury.

(3) An officer collecting costs under this subsection in cases in justice or county court shall deposit the funds in the county treasury.

(4) An officer collecting costs due under this subsection in a county court on appeal from justice or municipal court shall deposit the funds in the county treasury.

[Sections 542.404-542.500 reserved for expansion]

SUBCHAPTER E. MISCELLANEOUS

Revised Law

Sec. 542.501. OBEEDIENCE REQUIRED TO POLICE OFFICERS AND TO SCHOOL CROSSING GUARDS. A person may not wilfully fail or refuse to comply with a lawful order or direction of:

(1) a police officer; or

(2) a school crossing guard who is performing crossing guard duties in a school crosswalk to stop and yield to a pedestrian. (V.A.C.S. Art. 6701d, Sec. 23.)
Sec. 23. (a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

(b) No person shall willfully fail or refuse to comply with any lawful order or direction to stop and yield to pedestrians given by any school crossing guard while in the performance of his duties in a designated school crosswalk.

Reviser's Note
Section 23(a), V.A.C.S. Article 6701d, refers to a police officer "invested by law with authority to direct, control, or regulate traffic." The revised law omits that phrase as unnecessary because Section 11, V.A.C.S. Article 6701d, revised in Section 541.002 of this code, includes that phrase in the definition of "police officer."

Reviser's Note
(End of Chapter)

(1) Section 154, V.A.C.S. Article 6701d, provides a short title, Uniform Act Regulating Traffic on Highways, for Article 6701d. That article is revised as Subtitle C of this title of this code. The revised law omits the short title as unnecessary and inaccurate. The Commission on Uniform State Laws declared the act obsolete in August 1943, and numerous amendments since its enactment have reduced its uniformity. In place of the short title, the chapters of Subtitle C provide a convenient means of citing the related provisions of Article 6701d. The omitted provision reads:

Sec. 154. This Act may be cited as the Uniform Act Regulating Traffic on Highways.

(2) The revised law omits as unnecessary Section 155, V.A.C.S. Article 6701d, providing that the act is severable, because it duplicates general rules of
statutory construction. Section 311.032, Government Code (Code Construction Act), states that a provision of a statute is severable from each other provision of the statute that can be given effect. The omitted provision reads:

Sec. 155. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

(3) The revised law omits the first paragraph of Section 156, V.A.C.S. Article 6701d, providing that certain laws not in conflict with the statute remain in effect and that inconsistent or conflicting laws are otherwise repealed. This provision is omitted from the revised law as unnecessary because the statement duplicates general rules of statutory construction under which a statute automatically has the effect of repealing prior conflicting enactments, and the provision is ineffective to repeal subsequent legislation. The omitted provision reads:

Sec. 156. All laws or parts of laws inconsistent or conflicting with the provision of this Act are hereby repealed, provided, however, that nothing in this Act is intended to repeal provisions of Section 1 of Chapter 88, of the Acts of the Forty-first Legislature, Second Called Session, 1929, as amended by Chapter 23, Acts of the Forty-first Legislature, Fifth Called Session, 1930, and Chapter 110, Acts of the Forty-seventh Legislature, Regular Session, 1941, or House Bill No. 407, Page 602, Volume 1, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Chapter 187, Acts of the Forty-seventh Legislature, Regular Session, 1941.

(4) In 1923, the 38th Legislature enacted the provisions of V.A.C.S. Article 6701d-7 as a Section 2 pertaining to a person arrested for a violation of Section 1, Chapter 155, Acts of the 38th Legislature,
Regular Session, 1923, p. 332. Section 1 of that act was subsequently renumbered as Articles 790 and 791 of the Penal Code of Texas, 1925, and Section 2 was renumbered as Article 792. In 1973, the 63rd Legislature repealed Articles 790 and 791 and transferred Article 792 to Article 6701d-7. (Chapter 399, Acts of the 63rd Legislature, Regular Session.) Article 6701d-7 was impliedly repealed by the express repeal of Articles 790 and 791, to which Article 6701d-7 specifically refers. Therefore, Article 6701d-7 is omitted from the revised law. The omitted provision reads:

Art. 6701d-7. In case of any person arrested for violation of the preceding articles relating to speed of vehicles, unless such person so arrested shall demand that he be taken forthwith before a court of competent jurisdiction for an immediate hearing, the arresting officer shall take the license number, name and make of the car, the name and address of the operator or driver thereof, and notify such operator or driver in writing to appear before a designated court of competent jurisdiction at a time and place to be specified in such written notice at least five days subsequent to the date thereof, and upon the promise in writing of such person to appear at such time and place, such officer shall forthwith release such person from custody. Any person wilfully violating such promise, regardless of the disposition of the charge upon which he was originally arrested, shall be fined not less than five nor more than two hundred dollars.

CHAPTER 543. ARREST AND PROSECUTION OF VIOLATORS

SUBCHAPTER A. ARREST AND CHARGING PROCEDURES;

NOTICES AND PROMISES TO APPEAR

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[Sections 543.011-543.100 reserved for expansion]

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[Sections 543.115-543.200 reserved for expansion]

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CHAPTER 543. ARREST AND PROSECUTION OF VIOLATORS

SUBCHAPTER A. ARREST AND CHARGING PROCEDURES;
NOTICES AND PROMISES TO APPEAR

Revised Law
Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace officer may arrest without warrant a person found committing a violation of this subtitle. (V.A.C.S. Art. 6701d, Sec. 153.)

Source Law
Sec. 153. Any peace officer is authorized to arrest without warrant any person found committing a violation of any provision of this Act.

Revised Law
Sec. 543.002. PERSON ARRESTED TO BE TAKEN BEFORE MAGISTRATE.
(a) A person arrested for a violation of this subtitle punishable as a misdemeanor shall be immediately taken before a magistrate if:

(1) the person is arrested on a charge of failure to stop in the event of an accident causing damage to property; or

(2) the person demands an immediate appearance before a magistrate or refuses to make a written promise to appear in court as provided by this subchapter.

(b) The person must be taken before a magistrate who:

(1) has jurisdiction of the offense;

(2) is in the county in which the offense charged is alleged to have been committed; and

(3) is nearest or most accessible to the place of arrest. (V.A.C.S. Art. 6701d, Sec. 147.)

Source Law
Sec. 147. Whenever any person is arrested for any violation of this Act punishable as a misdemeanor, the arrested person shall be immediately taken before a
magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate;
2. When the person is arrested upon a charge of negligent homicide;
3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;
4. When the person is arrested upon a charge of failure to stop in the event of an accident, causing death, personal injuries, or damage to property;
5. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

Reviser's Note

Section 147, V.A.C.S. Article 6701d, applies only to a violation of "this Act punishable as a misdemeanor." The act referred to is the Uniform Act Regulating Traffic on Highways, which is codified as Subtitle C, Title 7, Transportation Code. The revised law omits language in Section 147 that refers to "negligent homicide," "driving while under the influence of intoxicating liquor or narcotic drugs," and "failure to stop in the event of an accident, causing death, [or] personal injuries," because Section 147 does not apply to these offenses. The offenses of "negligent homicide" and "driving while under the influence of intoxicating liquor or narcotic drugs" are covered by other statutes and do not constitute a violation of Subtitle C, Title 7, Transportation Code. "Failure to stop in the event of an accident, causing death, [or] personal injuries" is a felony offense and is therefore not punishable as a misdemeanor.

Revised Law

Sec. 543.003. NOTICE TO APPEAR REQUIRED: PERSON NOT TAKEN BEFORE MAGISTRATE. An officer who arrests a person for a violation of this subtitle punishable as a misdemeanor and who does not take
the person before a magistrate shall issue in duplicate a written notice to appear in court showing the time and place the person is to appear, the offense charged, the name and address of the person charged, and, if applicable, the license number of the person's vehicle. (V.A.C.S. Art. 6701d, Sec. 148(a) (part).)

Source Law

Sec. 148. (a) Whenever a person is arrested for any violation of this Act punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

Revised Law

Sec. 543.004. NOTICE TO APPEAR REQUIRED: CERTAIN OFFENSES.

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is speeding or a violation of the open container law, Section 49.03, Penal Code; and

(2) the person makes a written promise to appear in court as provided by Section 543.005.

(b) If the person is a resident of or is operating a vehicle licensed in a state or country other than this state, Subsection (a) applies only as provided by Chapter 703. (V.A.C.S. Art. 6701d, Sec. 148(a) (part).)

Source Law

(a) ... Provided, however, that the offense of speeding and the offense defined in Section 107E shall be the only offenses making mandatory the issuance of a written notice to appear in court, and only then if the arrested person gives his written promise to appear in court, by signing in duplicate the written notice prepared by the arresting officer; and provided further, that it shall not be mandatory for an officer to give a written notice to appear in court to any person arrested for the offense of speeding or the offense defined in Section 107E when such person is operating a vehicle licensed in a state or country other than the State of Texas or who is a resident of a state or country other than the State of Texas, except as provided by the Nonresident Violator Compact of 1977.
Revisor's Note

(1) Section 148(a), V.A.C.S. Article 6701d, provides that a person may make a written promise to appear "by signing in duplicate the written notice prepared by the arresting officer." The revised law omits this provision because it duplicates Section 543.005 of this code, which provides the manner of making a promise to appear.

(2) Section 148(a), V.A.C.S. Article 6701d, refers to Section 107E of that article. That section was codified in 1993 as Section 49.03, Penal Code, and the revised law is drafted accordingly.

(3) Section 148(a), V.A.C.S. Article 6701d, refers to the "Nonresident Violator Compact of 1977." That compact is codified as Chapter 703 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 543.005. PROMISE TO APPEAR; RELEASE. To secure release, the person arrested must make a written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer. The arresting officer shall retain the original of the notice and deliver the copy of the notice to the person arrested. The officer shall then promptly release the person from custody. (V.A.C.S. Art. 6701d, Sec. 148(d).)

Source Law

(d) The arrested person in order to secure release as provided in this section, must give his written promise so to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officer and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested, from custody.

Revised Law

Sec. 543.006. TIME AND PLACE OF APPEARANCE. (a) The time specified in the notice to appear must be at least 10 days after
the date of arrest unless the person arrested demands an earlier hearing.

(b) The place specified in the notice to appear must be before a magistrate having jurisdiction of the offense who is in the municipality or county in which the offense is alleged to have been committed. (V.A.C.S. Art. 6701d, Secs. 148(b), (c).)

Source Law

(b) The time specified in said notice to appear must be at least ten (10) days after such arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified in said notice to appear must be before a magistrate within the city or county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

Revisor's Note

Section 148(c), V.A.C.S. Article 6701d, refers to a "city." The revised law substitutes "municipality" for "city" because that is the term used in the Local Government Code.

Revised Law

Sec. 543.007. NOTICE TO APPEAR: COMMERCIAL VEHICLE OR LICENSE. A notice to appear issued to the operator of a commercial motor vehicle or holder of a commercial driver's license or commercial driver learner's permit, for the violation of a law regulating the operation of vehicles on highways, must be on a form that contains the information required by department rule, to comply with Chapter 522 and the federal Commercial Motor Vehicle Safety Act of 1986 (Title 49, U.S.C. Section 2701 et seq.). (V.A.C.S. Art. 6701d, Sec. 148(f).)

Source Law

(f) A traffic citation issued to a person driving a commercial motor vehicle or who is the holder of a commercial driver's license or commercial driver learner's permit, for a violation of this Act or other law regulating the operation of vehicles on highways, must be on a form that contains the information required by rule of the Department, to comply with the federal Commercial Motor Vehicle Safety Act of 1986 and Article 6687b-2, Revised Statutes.
Reviser's Note

(1) Section 148(f), V.A.C.S. Article 6701d, refers to a "traffic citation." The revised law substitutes "notice to appear" because, in the context of this chapter, "notice to appear" is synonymous with "traffic citation," and the former term is more commonly used.

(2) Section 148(f), V.A.C.S. Article 6701d, refers to "Article 6687b-2, Revised Statutes." That statute is codified as Chapter 522 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 543.008. VIOLATION BY OFFICER. A violation by an officer of a provision of Sections 543.003-543.007 is misconduct in office and the officer is subject to removal from the officer's position. (V.A.C.S. Art. 6701d, Sec. 148(e).)

Source Law

(e) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

Revised Law

Sec. 543.009. COMPLIANCE WITH OR VIOLATION OF PROMISE TO APPEAR. (a) A person may comply with a written promise to appear in court by an appearance by counsel.

(b) A person who wilfully violates a written promise to appear in court, given as provided by this subchapter, commits a misdemeanor regardless of the disposition of the charge on which the person was arrested. (V.A.C.S. Art. 6701d, Sec. 149.)

Source Law

Sec. 149. (a) Any person wilfully violating his written promise to appear in court, given as provided in this Article, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be complied with by an appearance by counsel.
Revised Law

Sec. 543.010. SPECIFICATIONS OF SPEEDING CHARGE. The complaint and the summons or notice to appear on a charge of speeding under this subtitle must specify:

(1) the maximum or minimum speed limit applicable in the district or at the location; and

(2) the speed at which the defendant is alleged to have driven. (V.A.C.S. Art. 6701d, Sec. 171(a).)

Source Law

Sec. 171. (a) In every charge of violation of any speed regulation in this Act, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum or minimum speed limit applicable within the district or at the location.

[Sections 543.011-543.100 reserved for expansion]

SUBCHAPTER B. DISMISSAL OF CERTAIN MISDEMEANOR CHARGES ON COMPLETING DRIVING SAFETY COURSE

Revised Law

Sec. 543.101. STATEMENT OF RIGHT PROVIDED ON NOTICE TO APPEAR. (a) A notice to appear issued for an offense to which this subchapter applies must state: "You may be able to require that this charge be dismissed by taking a driving safety course. However, you will lose that right if you do not provide written notice to the court on or before your appearance date of your desire to do so."

(b) If this statement is not supplied, the person may continue to exercise the right described until the person is informed as provided by Subsection (a) or until the disposal of the case. (Sec. 2, Ch. 1059, Acts 70th Leg., R.S., 1987.)

Source Law

Ch. 1059

Sec. 2. Each traffic citation or promise to appear issued for any offense to which this Act may apply shall contain a clear statement as follows: "You may be able to require that this charge be dismissed by taking a driving safety course. However, you will lose that right if you do not provide written notice to the
court on or before your appearance date of your desire to do so." If such language is not so supplied, the cited party may continue to exercise such right until so informed or until the case is otherwise disposed of.

Reviser's Note

Section 2, Chapter 1059, Acts of the 70th Legislature, Regular Session, 1987, refers to a "traffic citation." The revised law substitutes "notice to appear" for the reason stated in Reviser's Note (1) under Section 543.007 of this code.

Revised Law

Sec. 543.102. NOTICE OF RIGHT TO COMPLETE COURSE. The court shall advise a person charged with a misdemeanor under this subtitle, committed while operating a motor vehicle, of the person's right to successfully complete a driving safety course. The right to complete a course does not apply to a person charged with a violation of Section 545.066, 545.401, 545.421, 550.022, or 550.023 or a serious traffic violation as defined by Section 522.003. (V.A.C.S. Art. 6701d, Sec. 143A(a) (part).)

Source Law

(a) When a person is charged with a misdemeanor offense under this Act, other than a violation of Section 39, 40, 51, 104, or 186 or a serious traffic violation as defined in Section 3(26), Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), committed while operating a motor vehicle, the defendant shall be advised by the court of his right to successfully complete a driving safety course . . . .

Reviser's Note

Section 143A(a), V.A.C.S. Article 6701d, refers to "a violation of Section 39, 40, 51, 104, or 186 or a serious traffic violation as defined in Section 3(26), Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes)." Section 39, V.A.C.S. Article 6701d, is codified in this code as Section 550.022, Section 40 as Section 550.023, Section 51 as Section
545.401, Section 104 as Section 545.066, and Section 186 as Section 545.421. Section 3(26), Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes), is codified in this code in Section 522.003. The revised law is drafted accordingly.

Revised Law
Sec. 543.103. MANDATORY DEFERRAL. (a) The court shall defer proceedings and allow a person 90 days to present a uniform certificate of course completion as written evidence that after the alleged violation the person successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) if:

(1) the person enters a plea in person or in writing of no contest or guilty and, before the answer date on the citation:

(A) presents in person to the court an oral or written request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(2) the court enters judgment on the person's plea of no contest or guilty at the time the plea is made but defers imposition of the judgment for 90 days;

(3) the person has a Texas driver's license or permit;

(4) the person's driving record as maintained by the department does not show successful completion of a driving safety course under this section within one year before the date of the alleged violation;

(5) the person files an affidavit with the court stating that the person is not taking a course under this section and has not completed a course under this section that is not shown on the person's driving record;
(6) the person is charged with an offense to which this subchapter applies other than speeding 25 miles per hour or more over the posted speed limit; and

(7) the person provides evidence of financial responsibility as required by Chapter 601.

(b) Notwithstanding Subsection (a)(1), on a written motion submitted to the court before the final disposition of the case, the court may grant a request to take a driving safety course under this section. (V.A.C.S. Art. 6701d, Secs. 143A(a) (part), (a-1) (part).)

Source Law

[(a) . . . the defendant shall be advised by the court of his right to . . . complete a driving safety course] and the court:

(2) shall defer proceedings and allow the person 90 days to present a uniform certificate of course completion as written evidence that, subsequent to the alleged act, the person has successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), if:

(A) the person enters a plea in person or in writing of No Contest or Guilty and presents to the court an oral request or a written request, in person or by mail postmarked on or before the answer date on the citation, to take a course;

(B) the court enters judgment on the person's plea of No Contest or Guilty at the time the plea is made but defers imposition of the judgment for 90 days;

(C) the person has a valid Texas driver's license or permit;

(D) the person's driving record as maintained by the Texas Department of Public Safety does not indicate successful completion of a driving safety course under this subdivision within the one year immediately preceding the date of the alleged offense;

(E) the person files an affidavit with the court stating that the person is not in the process of taking a course under this subdivision and has not completed a course under this subdivision that is not yet reflected on the person's driving record;

(F) the offense charged is for an offense covered by this section other than speeding 25 miles per hour or more over the posted speed limit at the place where the alleged offense occurred; and

(G) the person provides proof of financial responsibility as required by Section 1A, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes).

(a-1) A written request to take a driving safety course under Subsection (a)(2) of this section is timely if it is sent by certified mail, return receipt requested, and is postmarked on or before the answer date.
date on the citation; however, the court may, in its
discretion, upon written motion submitted to the court
at any time prior to the final disposition of the case,
grant a request to take a driving safety course under
Subsection . . . (a)(2) of this section.

Revisor's Note

(1) Section 143A(a)(2)(A), V.A.C.S. Article
6701d, refers to the "citation." The revised law
substitutes "notice to appear" for the reason stated in
Revisor's Note (1) under Section 543.007 of this code.

(2) Section 143A(a)(2), V.A.C.S. Article 6701d,
refers to a person's completion of a driving safety
course "subsequent to the alleged act." The revised
law replaces "act" with "violation" for consistency of
terms because the original requirement applies to a
person charged with a misdemeanor other than certain
specified violations.

(3) Section 143A(a)(2)(D), V.A.C.S. Article
6701d, refers to the "Texas Department of Public
Safety." The revised law substitutes "department"
because under Section 541.002 of this code,
"department" is defined to mean the Department of
Public Safety.

(4) Section 143A(a)(2)(C), V.A.C.S. Article
6701d, refers to a person having a "valid Texas
driver's license or permit." The revised law omits
"valid" as unnecessary because the word does not add to
the clear meaning of the law. For example, a document
purporting to be a certificate is no longer a
certificate if it is expired and is not a certificate
if it is a forgery.

(5) Section 143A(a)(2)(F), V.A.C.S. Article
6701d, refers to the "posted speed limit at the place
where the alleged offense occurred." The revised law
omits the language pertaining to place as unnecessary
because only the speed limit posted at that place is relevant to the speeding offense.

(6) Section 143A(a)(2)(G), V.A.C.S. Article 6701d, refers to "Section 1A, Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes)." That statute is codified in this code as Chapter 601, and the revised law is drafted accordingly.

Revised Law

Sec. 543.104. PERMISSIVE DEFERRAL. On a written motion submitted to the court before the final disposition of the case, the court may defer proceedings and allow a person 90 days to present a uniform certificate of course completion as evidence that after the alleged violation the person successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). (V.A.C.S. Art. 6701d, Secs. 143A(a) (part), (a-1) (part).)

Source Law

[(a) ... the defendant shall be advised by the court of his right to ... complete a driving safety course] and the court:

(1) in its discretion may defer proceedings and allow the person 90 days to present a uniform certificate of course completion as evidence that, subsequent to the alleged act, the person has successfully completed a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes); or

[(a-1)] ... [however, the court may, in its discretion, upon written motion submitted to the court at any time prior to the final disposition of the case, grant a request to take a driving safety course under Subsection (a)(1)) or (a)(2) [of this section.]

Revisor's Note

(1) Section 143A(a)(1), V.A.C.S. Article 6701d, refers to a person's completion of a driving safety course "subsequent to the alleged act." The revised law replaces "act" with "violation" for the reason
stated in Reviser's Note (2) under Section 543.103.

(2) Section 143A(a)(1), V.A.C.S. Article 6701d, states that "the court ... in its discretion may defer proceedings ..." The revised law omits "in its discretion" because that is the meaning of "may."

Revised Law

Sec. 543.105. TIMELY REQUEST CONSTITUTES APPEARANCE. A request to take a driving safety course made on or before the time and place at which a person is required to appear in court is an appearance in compliance with the person's promise to appear. (V.A.C.S. Art. 6701d, Sec. 143A(a-3) (part).)

Source Law

(a-3) A request to take a driving safety course shall constitute an appearance in compliance with such person's written promise to appear in court, as provided in Section 148 of this Act, if the person's request is made on or before the time and place when and where such person shall appear in court. ... .

Revised Law

Sec. 543.106. FEE FOR REQUEST. (a) The court may require a person requesting a driving safety course to pay a fee set by the court at an amount of not more than $10, including any other fee authorized by statute or municipal ordinance, to cover the cost of administering this subchapter.

(b) A person who requests but does not take a course is not entitled to a refund of the fee.

(c) Fees collected by a municipal court shall be deposited in the municipal treasury. Fees collected by another court shall be deposited in the county treasury of the county in which the court is located. (V.A.C.S. Art. 6701d, Sec. 143A(c).)

Source Law

(c) The court may require the person requesting a driving safety course to pay a fee set by the court at an amount that does not exceed $10 including any special fees authorized by statute or municipal ordinance to cover the cost of administering this section. Fees collected under this subsection by a municipal court shall be deposited in the municipal...
treasury. Fees collected by other courts shall be deposited in the county treasury of the county in which the court is located. If the person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee required by this subsection.

Revised Law

Sec. 543.107. FAILURE TO PRESENT EVIDENCE OF COURSE COMPLETION. (a) If a person requesting a driving safety course fails to furnish evidence of the successful completion of the course to the court, the court shall:

(1) notify the person in writing, mailed to the address appearing on the notice to appear, of that failure; and

(2) require the person to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(b) A person who fails to appear at the time and place stated in the notice commits a misdemeanor punishable as provided by Section 543.009.

(c) On a person's showing of good cause for failure to furnish evidence to the court, the court may allow an extension of time during which the person may present a uniform certificate of course completion as evidence that the person successfully completed the driving safety course. (V.A.C.S. Art. 6701d, Sec. 143A(a-3) (part).)

Source Law

... If the person fails to furnish evidence of the successful completion of the driving safety course to the court, the court shall notify the person who made the request, in writing, mailed to the address appearing on the citation, of the person's failure to furnish such evidence to the court, and require the person to appear at the time and place stated in the notice to show cause why the evidence of the successful completion of the driving safety course was not timely submitted to the court. Failure to appear at the time and place stated in the notice shall constitute an offense which shall be punishable in the same manner as provided in Section 149 of this Act; provided, however, the court may, upon a showing of good cause for failure to furnish such evidence to the court made by the person so charged, allow an extension of time during which the person shall present a uniform certificate of course completion as evidence that the person has successfully completed the driving safety course.
Revisor's Note

(1) Section 143(a-3), V.A.C.S. Article 6701d, refers to the "citation." The revised law substitutes "notice to appear" for the reason stated in Revisor's Note (1) under Section 543.007 of this code.

(2) Section 143A(a-3), V.A.C.S. Article 6701d, refers to "Section 149 of this Act." That statute is codified in this code as Section 543.009, and the revised law is drafted accordingly.

Revised Law

Sec. 543.108. COURT PROCEDURES ON SUCCESSFUL COURSE COMPLETION. When a person complies with Section 543.103 or 543.104 and a uniform certificate of course completion is accepted by the court, the court shall:

(1) remove the judgment and dismiss the charge;

(2) report the fact that the person successfully completed a driving safety course and the date of completion to the department for inclusion in the person's driving record; and

(3) state in its report whether the course was taken under the procedure provided by Section 543.103 to provide information necessary to determine eligibility to take a subsequent course under that section. (V.A.C.S. Art. 6701d, Sec. 143A(b) (part).)

Source Law

(b) When the person complies with the provisions of Subsection (a) of this section and a uniform certificate of course completion is accepted by the court, the court shall remove the judgment and dismiss the charge . . . .

When a charge is dismissed under this section, . . . the court shall report the fact that a person has successfully completed a driving safety course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record. The court shall note in its report whether the course was taken under the procedure provided by Subdivision (2) of Subsection (a) of this section for the purpose of providing information necessary to determine eligibility to take a subsequent course under that subdivision. . . .
Revisor's Note

(1) Section 143A(b), V.A.C.S. Article 6701d, refers to "Subsection (a) of this section." The relevant portions of Subsection (a) are codified in Sections 543.103 and 543.104 of this code, and the revised law is drafted accordingly.

(2) Section 143A(b), V.A.C.S. Article 6701d, refers to the "Texas Department of Public Safety." The revised law substitutes "department" for the reason stated in Reviser's Note (3) under Section 543.102 of this code.

(3) Section 143A(b), V.A.C.S. Article 6701d, refers to "Subdivision (2) of Subsection (a) of this section." That provision is codified in this code as Section 543.103, and the revised law is drafted accordingly.

Revised Law

Sec. 543.109. DISMISSAL LIMITED TO ONE CHARGE. The court may dismiss only one charge for each completion of a course. (V.A.C.S. Art. 6701d, Sec. 143A(b) (part).)

Source Law

(b) ... [the court shall ... dismiss the charge,] but the court may only dismiss one charge for completion of each course.

Revised Law

Sec. 543.110. USE OF INFORMATION REGARDING DISMISSED CHARGE OR COMPLETED COURSE. (a) A charge that is dismissed under this subchapter may not be part of a person's driving record or used for any purpose.

(b) An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the insured completed a driving safety course or had a charge dismissed under
When a charge is dismissed under this section, the charge may not be part of the person's driving record or used for any purpose. An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged the insured under the policy merely because of an offense dismissed under this section or because the insured completed a driving safety course under this section.

The State Board of Education shall:

(1) enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses; and

(2) adopt comprehensive rules governing driving safety courses, which the Central Education Agency shall administer.

The revised law omits as unnecessary the language in Section 143A(d), V.A.C.S. Article 6701d, relating to the procedure for adopting rules. Chapter 2001, Government Code (the administrative procedure law) prescribes the procedure each agency must follow in adopting rules, including the notice, participation, and filing requirements imposed by the omitted law. The omitted language provides that the State Board of Education "shall place on file such rules with the
secretary of state."

(2) Section 143A(d), V.A.C.S. Article 6701d, refers to the "State Board of Insurance." The name of the State Board of Insurance was changed to the "Texas Department of Insurance" by Chapter 242, Acts of the 72nd Legislature, Regular Session, 1991, and the revised law is drafted accordingly.

Revised Law

Sec. 543.112. STANDARDS FOR UNIFORM CERTIFICATE OF COURSE COMPLETION. The uniform certificate of course completion must include an identifying number by which the Central Education Agency, the court, or the department may verify its authenticity with the course provider and must be:

(1) in a form adopted by the Central Education Agency;
(2) not more than 8-1/2 inches by 3-1/2 inches in size; and
(3) printed on copy-resistant paper in not fewer than two self-copying parts to provide a control copy of the certificate to be retained by the course provider under rules adopted by the State Board of Education. (V.A.C.S. Art. 6701d, Sec. 143A(f), as added Sec. 4.27, Ch. 813, Acts 71st Leg., R.S., 1989.)

Source Law

(f) The uniform certificate of course completion shall be printed on copy-resistant paper in not fewer than two self-copying parts to provide a control copy of the certificate that shall be retained by the course provider under rules adopted by the State Board of Education. Each certificate may not be more than 8 1/2 inches by 3 1/2 inches in size and shall include an identifying number by which the Central Education Agency, the court, or the department may verify its authenticity with the course provider. The certificate shall be in a form promulgated by the Central Education Agency.

Revisor's Note

The 71st Legislature enacted two versions of Subsection (f), Section 143A, V.A.C.S. Article 6701d.
Acts of the 71st Legislature, Regular Session, 1989, amended Section 143A, V.A.C.S. Article 6701d, by adding a Subsection (f) pertaining to standards for a uniform certificate of course completion. The former enactment assigned certain duties to the "department," meaning the Department of Public Safety, and the latter enactment assigned those same duties to the State Board of Education and the Central Education Agency. The revised law is derived from language used in Chapter 813, the latter-enacted version of Subsection (f), because, as a general principle of statutory construction, if the provisions of two acts adopted during the same legislative session cannot be reconciled, the effective provisions are those contained in the act that is adopted later in time.

The omitted subsection reads:

(f) The uniform certificate of course completion shall be printed on copy resistant paper in not less than two self-copying parts to provide a control copy of the certificate which shall be retained by the course provider in accordance with rules promulgated by the department. Each certificate shall be not more than 8 1/2 inches by 3 1/2 inches in size and shall include an identifying number which will allow the court or department to verify its authenticity with the course provider. The certificate shall be in a form promulgated by the department.

Revised Law

Sec. 543.113. FEE FOR PRINTING AND SUPPLYING CERTIFICATE.

(a) The Central Education Agency shall print the uniform certificates and supply them to owners or primary consignees of courses approved under the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). The agency may charge a fee of $1 for each certificate.

(b) An owner or consignee may not charge an operator a fee that is more than the fee paid to the agency for a certificate. (V.A.C.S. Art. 6701d, Sec. 143A(g) (part), as added Sec. 4.27, Ch.
(g) The Central Education Agency shall print and supply the serially numbered uniform certificates to owners or primary consignees of courses approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). The Central Education Agency may charge a fee of $1 for each certificate. An owner or consignee may not charge an operator a fee in excess of the fee paid to the agency for a certificate. . . .

Reviser's Note

(1) The 71st Legislature enacted two versions of Subsection (g), Section 143A, V.A.C.S. Article 6701d. Section 2, Chapter 156, and Section 4.27, Chapter 813, Acts of the 71st Legislature, Regular Session, 1989, amended Section 143A, V.A.C.S. Article 6701d, by adding a Subsection (g) authorizing a fee to cover the cost of printing and supplying uniform certificates of course completion. The former enactment assigned the duty to print and supply certificates to the "department," meaning the Department of Public Safety, and allowed the department to charge a fee not to exceed certain costs associated with that duty. The latter enactment assigned the same duty to the Central Education Agency and allowed the agency to charge a fee of $1. The revised law is derived from language used in Chapter 813, the latter-enacted version of Subsection (g), for the reason stated in the reviser's note under Section 543.112. The omitted subsection reads:

(g)(1) The department shall print and supply the serially numbered uniform certificates to owners, primary consignees, or operators of courses approved by the department or a court. The department may charge a fee, not to exceed the cost of printing and supplying the forms, for the certificates.

(2) No owner or consignee may charge an operator a fee in excess of the fee paid to the department for a certificate.
(2) The revised law omits language in Section 143A(g), V.A.C.S. Article 6701d, as unnecessary. That language requires the Central Education Agency to deposit certain fees with the state treasurer to be used only for certain purposes. This dedication of funds is abolished by Section 403.094(h), Government Code, which provides, in pertinent part, "[a]ll funds or special accounts in the state treasury in existence on August 31, 1995, established by state statute dedicating state revenue for a particular purpose or entity are abolished on that date, and all statutory dedications of state revenue ... enacted before that date are null and void as of that date." The omitted language reads:

(g) ... The agency shall deposit the fees with the state treasurer to be used only for the expense of supplying the certificates and administering the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

Revised Law

Sec. 543.114. DISTRIBUTION OF WRITTEN INFORMATION ON PROVIDER. (a) A person may not distribute written information to advertise a provider of a driving safety course within 500 feet of a court having jurisdiction over an offense to which this subchapter applies. A violation of this section by a provider or a provider's agent, employee, or representative results in loss of the provider's status as a provider of a course approved under the Texas Driver and Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

(b) This section does not apply to distribution of information:

(1) by a court;
(2) to a court to obtain approval of the course; or
(3) to a court to advise the court of the availability
of the course. (V.A.C.S. Art. 6701d, Sec. 143A(e).)

Source Law

(e) No person shall distribute any written information for the purpose of advertising a provider of a driving safety course within 500 feet of any court having jurisdiction over an offense subject to this section. This subsection does not apply to distribution of such information to a court for the purpose of obtaining approval of the course, or to advise the court of the availability of the course, or to distribution by the court. A violation of this subsection by a provider, or the provider's agent, servant, employee, or a person acting in a representative capacity for the provider, shall result in loss of the provider's status as a provider of a course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes).

Reviser's Note

Section 143A(e), V.A.C.S. Article 6701d, refers to "the provider's agent, servant, employee, or a person acting in a representative capacity for the provider." The revised law omits "servant" because the term is included within the meaning of "agent, ... employee, or ... representative."

[Sections 543.115-543.200 reserved for expansion]

SUBCHAPTER C. RECORDS AND INFORMATION MAINTAINED BY DEPARTMENT

Revised Law

Sec. 543.201. CONVICTION REPORTED TO DEPARTMENT. Each magistrate or judge of a court not of record and each clerk of a court of record shall keep a record of each case in which a person is charged with a violation of law regulating the operation of vehicles on highways. (V.A.C.S. Art. 6701d, Sec. 152(a).)

Source Law

Sec. 152. (a) Every magistrate or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Act or of any other law regulating the operation of vehicles on highways.
Revised Law

Sec. 543.202. FORM OF RECORD. The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) the plea, the judgment, and whether bail was forfeited;

(7) the date of conviction; and

(8) the amount of the fine or forfeiture. (V.A.C.S. Art. 6701d, Sec. 152(c) (part).)

Source Law

(c) Said record must be made upon a form acceptable to the Department or by data processing methods acceptable to the Department. The abstract shall include the name, address, physical description, and date of birth of the party charged, the number, if any, of his driver's license, the registration number of the vehicle involved, whether the vehicle was a commercial motor vehicle as defined in Article 6687b-2, Revised Statutes, or was involved in the transporting of hazardous materials, the date and nature of the offense, including whether the offense was a serious traffic violation as defined in Article 6687b-2, Revised Statutes, the date of the conviction, the plea, the judgment, or whether bail was forfeited and the amount of the fine or forfeiture as the case may be. If the person was driving a commercial motor vehicle, as defined in Article 6687b-2, Revised Statutes, or was the holder of a commercial driver's license or commercial driver learner's permit, the abstract must include the person's social security number, if available. . . .
Revisor's Note

(1) Section 152(c), V.A.C.S. Article 6701d, states that "[t]he abstract shall include the name, address, physical description, and date of birth of the party charged." The revised law omits the reference to "abstract" for consistency of terms because the original requirement under Section 152(a), V.A.C.S. Article 6701d, is that a "record" be kept. The revised law also replaces the term "party" with "person" for consistency of terms.

(2) Section 152(c), V.A.C.S. Article 6701d, makes several references to "Article 6687b-2, Revised Statutes." That statute is codified as Chapter 522 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 543.203. SUBMITTING RECORD TO DEPARTMENT. Not later than the 30th day after the date of conviction or forfeiture of bail of a person on a charge of violating a law regulating the operation of a vehicle on a highway or conviction of a person of negligent homicide or a felony in the commission of which a vehicle was used, the magistrate, judge, or clerk of the court in which the conviction was had or bail was forfeited shall immediately submit to the department a written record of the case containing the information required by Section 543.202. (V.A.C.S. Art. 6701d, Secs. 152(b) (part), (d).)

Source Law

(b) Within thirty (30) days after conviction or forfeiture of bail of a person upon a charge of violating any provision of this Act or other law regulating the operation of vehicles on highways, every said magistrate of the court or clerk of the court in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department a written record covering the case in which said person was so convicted or forfeited bail and containing the information required in Subsection (c) of this section. . . .

(d) Every court of record shall also forward a like report to the department upon the conviction of
any person of negligent homicide or any felony in the commission of which a vehicle was used.

Reviser's Note
(1) Section 152(b), V.A.C.S. Article 6701d, refers to "every said magistrate of the court or clerk of the court in which such conviction was had or bail was forfeited." The revised law adds a reference to "judge" because the original requirement under Section 152(a), V.A.C.S. Article 6701d, applies to "[e]very magistrate or judge of a court not of record and every clerk of a court of record."

(2) Section 152(b), V.A.C.S. Article 6701d, refers to "the information required in Subsection (c) of this section." The relevant portion of Subsection (c) is codified in this code as Section 543.202, and the revised law is drafted accordingly.

Revised Law
Sec. 543.204. SUBMISSION OF RECORD PROHIBITED. (a) A justice of the peace or municipal judge who defers further proceedings, suspends all or part of the imposition of the fine, and places a defendant on probation under Article 45.54, Code of Criminal Procedure, or a county court judge who follows that procedure under Article 42.111, Code of Criminal Procedure, may not submit a written record to the department, except that if the justice or judge subsequently adjudicates the defendant's guilt, the justice or judge shall submit the record not later than the 30th day after the date on which the justice or judge adjudicates guilt.

(b) The department may not keep a record for which submission is prohibited by this section.

(c) The department may receive a record prepared by a department employee from court records. (V.A.C.S. Art. 6701d, Secs. 152(b) (part), (c) (part).)
(b) ... A justice of the peace or municipal judge who defers further proceedings, suspends all or part of the imposition of the fine, and places a defendant on probation under Article 45.54, Code of Criminal Procedure, or a county court judge who follows the same procedure pursuant to Article 42.111, Code of Criminal Procedure, may not cause to be forwarded a written record to the department unless the justice or judge subsequently proceeds with an adjudication of guilt, in which event the justice or judge shall cause to be forwarded the written record not later than the thirtieth (30th) day after the date on which the justice or judge adjudicates guilt. The department may not collect a written record that is prohibited from being reported under this subsection.

(c) ... The Department is authorized to receive abstracts prepared from court records by employees of the Department.

Revisor's Note
Section 152(c), V.A.C.S. Article 6701d, states that "[t]he Department is authorized to receive abstracts prepared from court records by employees of the Department." The revised law replaces "abstract" with "record" for consistency of terms because the original requirement under Section 152(a), V.A.C.S. Article 6701d, is that a "record" be kept.

Revised Law
Sec. 543.205. RECORD RECEIVED AT MAIN OFFICE. The department shall receive all records under Section 543.204(a) at its main office. (V.A.C.S. Art. 6701d, Sec. 152(f).)

Source Law
(f) The department shall receive all records at its main office.

Revised Law
Sec. 543.206. VIOLATION. A violation by a judicial officer of this subchapter may constitute misconduct in office and may be grounds for removal from the officer's position. (V.A.C.S. Art. 6701d, Sec. 152(e).)
(e) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this Section may constitute misconduct in office and may be grounds for removal therefrom.

Revisor's Note
(End of Chapter)

(1) Section 4.27, Chapter 813, Acts of the 71st Legislature, Regular Session, 1989, amended Section 143A, V.A.C.S. Article 6701d. Section 4.29 of that chapter provided for transition for certain changes in the law. The revised law omits the provision as executed. The omitted section reads:

Sec. 4.29. A uniform certificate of course completion is required as evidence of successful completion of a driving safety course to dismiss a charge under Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), only for courses completed on or after January 1, 1990.

(2) The revised law omits as unnecessary Section 150, V.A.C.S. Article 6701d, relating to the cumulative effect of Article 17 of V.A.C.S. Article 6701d. An accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless it provides otherwise or unless the statutes are in conflict. The general principle applies to this revision. The omitted section reads:

Sec. 150. The foregoing provisions of this Article shall govern all police officers in making arrests without a warrant for violations of this Act, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

CHAPTER 544. TRAFFIC SIGNS, SIGNALS, AND MARKINGS

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CHAPTER 544. TRAFFIC SIGNS, SIGNALS, AND MARKINGS

Revised Law

Sec. 544.001. ADOPTION OF SIGN MANUAL FOR STATE HIGHWAYS.
The Texas Transportation Commission shall adopt a manual and
specifications for a uniform system of traffic-control devices
consistent with this chapter that correlates with and to the extent
possible conforms to the system approved by the American
Association of State Highway and Transportation Officials.
(V.A.C.S. Art. 6701d, Sec. 29.)

Source Law

Sec. 29. The State Highway Commission shall
adopt a manual and specifications for a uniform system
of traffic-control devices consistent with the
provisions of this Act for use upon highways within
this state. Such uniform system shall correlate with
and so far as possible conform to the system then
current as approved by the American Association of
State Highway Officials.

Revisor's Note

(1) Section 29, V.A.C.S. Article 6701d, refers
to the "State Highway Commission." The revised law
substitutes "Texas Transportation Commission" for the
reason stated in the revisor's note to Section 201.003
of this code.
(2) Section 29, V.A.C.S. Article 6701d, requires the commission to adopt a manual and system of traffic-control devices "for use upon highways within this state." The revised law omits the reference to "use upon highways" as unnecessary because Section 21, Article 6701d, revised in this code as Section 542.001, states that as a general rule this act applies only to a vehicle that is operated on a highway. Consequently, the manual and system of traffic-control devices that control operation of such a vehicle also apply only on a highway. In addition, the revised law omits the reference to "within this state" because the commission's jurisdiction to regulate traffic is limited to this state.

(3) Section 29, V.A.C.S. Article 6701d, refers to the "American Association of State Highway Officials." The name of that organization was changed to the American Association of State Highway and Transportation Officials, and the revised law is drafted accordingly.

**Revised Law**

Sec. 544.002. PLACING AND MAINTAINING TRAFFIC-CONTROL DEVICE. (a) To implement this subtitle, the Texas Department of Transportation may place and maintain a traffic-control device on a state highway as provided by the manual and specifications adopted under Section 544.001. The Texas Department of Transportation may provide for the placement and maintenance of the device under Section 221.002.

(b) To implement this subtitle or a local traffic ordinance, a local authority may place and maintain a traffic-control device on a highway under the authority's jurisdiction. The traffic-control device must conform to the manual and specifications adopted under Section 544.001.
(c) A local authority may not place or maintain a traffic-control device on a highway under the jurisdiction of the Texas Department of Transportation without that department's permission. (V.A.C.S. Art. 6701d, Secs. 30, 31.)

Source Law

Sec. 30. (a) The State Highway Department may place and maintain, or under the authority of Senate Bill No. 415, Acts, 46th Legislature, Regular Session, provide for such placing and maintaining such traffic-control devices, conforming to its manual and specifications, upon all state highways as it may deem necessary, to indicate and carry out the provisions of this Act or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the State Highway Department except by the latter's permission.

Sec. 31. Local authorities, in their respective jurisdiction, may place and maintain any traffic-control devices upon any highway under their jurisdiction as they may deem necessary to indicate and carry out the provisions of this Act, or local traffic ordinances, or regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State Highway Department's manual and specifications.

Reviser's Note

(1) Section 30(a), V.A.C.S. Article 6701d, refers to traffic control devices "to regulate, warn, or guide traffic." Section 31 of that article contains a similar reference. The references are omitted as unnecessary because "official traffic control device" is defined in part by Section 541.304 of this code to be a device that is used to regulate, warn, or guide traffic.

(2) Section 30(a), V.A.C.S. Article 6701d, refers to the "State Highway Department." The name of that agency has been changed to the Texas Department of Transportation and the revised law is drafted accordingly. (See the reviser's note to Section 201.003 of this code.)

(3) Section 30, V.A.C.S. Article 6701d, refers to "Senate Bill No. 415, Acts, 46th Legislature,"
Regular Session." That law was included in the statutes as V.A.C.S. Article 6673b, which has been revised in this code as Section 221.002. The revised law is drafted accordingly.

Revised Law

Sec. 544.003. AUTHORITY TO DESIGNATE THROUGH HIGHWAY AND STOP AND YIELD INTERSECTIONS. (a) The Texas Transportation Commission may:

(1) designate a state or county highway as a through highway and place a stop or yield sign at a specified entrance; or

(2) designate an intersection on a state or county highway as a stop intersection or a yield intersection and place a sign at one or more entrances to the intersection.

(b) A local authority may:

(1) designate a highway under its jurisdiction as a through highway and place a stop or yield sign at a specified entrance; or

(2) designate an intersection on a highway under its jurisdiction as a stop intersection or a yield intersection and place a sign at one or more entrances to the intersection.

(c) The stop or yield sign indicating the preferential right-of-way must:

(1) conform to the manual and specifications adopted under Section 544.001; and

(2) be located:

(A) as near as practicable to the nearest line of the crosswalk; or

(B) in the absence of a crosswalk, at the nearest line of the roadway. (V.A.C.S. Art. 6701d, Secs. 91, 91A(a).)

Source Law

Sec. 91. (a) The State Highway Commission with reference to State (and county) highways and local authorities with reference to other highways under their jurisdiction may designate through highways and
erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall conform to the manual and specifications for uniform traffic-control devices as adopted by the State Highway Commission. Every stop or yield sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

Sec. 91A. (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 91 of this Act.

Revised Law

Sec. 544.004. COMPLIANCE WITH TRAFFIC-CONTROL DEVICE. (a)
The operator of a vehicle or streetcar shall comply with an applicable official traffic-control device placed as provided by this subtitle unless the person is:

(1) otherwise directed by a traffic or police officer;
or
(2) operating an authorized emergency vehicle and is subject to exceptions under this subtitle.

(b) A provision of this subtitle requiring an official traffic-control device may not be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to an ordinarily observant person. A provision of this subtitle that does not require an official traffic-control device is effective regardless of whether a device is in place. (V.A.C.S. Art. 6701d, Sec. 32.)

Source Law

Sec. 32. (a) The driver of any vehicle and the motorman of any streetcar shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.
Reviser's Note
Sections 32(a) and (b), V.A.C.S. Article 6701d, refer to "this Act," meaning V.A.C.S. Article 6701d. V.A.C.S. Article 6701d is revised as this subtitle of Title 7 of this code, and the reference in the revised law is drafted accordingly.

Revised Law
Sec. 544.005. INTERFERENCE WITH TRAFFIC-CONTROL DEVICE OR RAILROAD SIGN OR SIGNAL. A person may not, without lawful authority, alter, injure, knock down, or remove or attempt to alter, injure, knock down, or remove:

(1) an official traffic-control device or railroad sign or signal;

(2) an inscription, shield, or insignia on an official traffic-control device or railroad sign or signal; or

(3) another part of an official traffic-control device or railroad sign or signal. (V.A.C.S. Art. 6701d, Sec. 37.)

Source Law
Sec. 37. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Reviser's Note
Section 37, V.A.C.S. Article 6701d, provides that a person may not "alter, deface, injure, knock down, or remove" a traffic-control device. The revised law omits the reference to "deface" because this term is within the meaning of "alter."

Revised Law
Sec. 544.006. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS. (a) A person may not place, maintain, or display on or in view of a highway an unauthorized sign, signal, marking, or
device that:

1. imitates or resembles an official traffic-control device or railroad sign or signal;
2. attempts to direct the movement of traffic; or
3. hides from view or hinders the effectiveness of an official traffic-control device or railroad sign or signal.

(b) A person may not place or maintain on a highway, and a public authority may not permit on a highway, a traffic sign or signal bearing commercial advertising.

(c) A person may not place or maintain a flashing light or flashing electric sign within 1,000 feet of an intersection except under a permit issued by the Texas Transportation Commission.

(d) This section does not prohibit a person from placing on private property adjacent to a highway a sign that gives useful directional information and that cannot be mistaken for an official sign.

(e) A sign, signal, light, or marking prohibited under this section is a public nuisance. The authority with jurisdiction over the highway may remove that sign, signal, light, or marking without notice. (V.A.C.S. Art. 6701d, Sec. 36.)

Source Law

Sec. 36. (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) No person shall place or maintain a flashing light or flashing electric sign of any kind or color within one thousand (1,000) feet of any intersection unless a permit is granted by the State Highway Commission for such flashing light or electric sign.

(d) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(e) In addition to being a misdemeanor as set out in Section 143, every such prohibited sign, signal, light or marking is hereby declared to be a public
nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Reviser's Note

(1) Section 36(c), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for the reason stated in the reviser's note to Section 544.001 of this title.

(2) Section 36(e), V.A.C.S. Article 6701d, provides that a prohibited sign is a public nuisance "[i]n addition to being a misdemeanor as set out in Section 143 . . . ." The revised law omits the quoted language as unnecessary because Section 143, V.A.C.S. Article 6701d, revised by Section 542.301 of this code, provides that a person commits an offense if the person performs an act prohibited by this subtitle. Nothing in Section 36 limits the application of the general offense provision.

Revised Law

Sec. 544.007. TRAFFIC-CONTROL SIGNALS IN GENERAL. (a) A traffic-control signal displaying different colored lights or colored lighted arrows successively or in combination may display only green, yellow, or red and applies to operators of vehicles as provided by this section.

(b) An operator of a vehicle facing a circular green signal may proceed straight or turn right or left unless a sign prohibits the turn. The operator shall yield the right-of-way to other vehicles and to pedestrians lawfully in the intersection or an adjacent crosswalk when the signal is exhibited.

(c) An operator of a vehicle facing a green arrow signal, displayed alone or with another signal, may cautiously enter the intersection to move in the direction permitted by the arrow or
other indication shown simultaneously. The operator shall yield
the right-of-way to a pedestrian lawfully in an adjacent crosswalk
and other traffic lawfully using the intersection.

(d) An operator of a vehicle facing only a steady red signal
shall stop at a clearly marked stop line. In the absence of a stop
line, the operator shall stop before entering the crosswalk on the
near side of the intersection. A vehicle that is not turning shall
remain standing until an indication to proceed is shown. After
stopping, standing until the intersection may be entered safely,
and yielding right-of-way to pedestrians lawfully in an adjacent
crosswalk and other traffic lawfully using the intersection, the
operator may:

(1) turn right; or

(2) turn left, if the intersecting streets are both
one-way streets and a left turn is permissible.

(e) An operator of a vehicle facing a steady yellow signal
is warned by that signal that:

(1) movement authorized by a green signal is being
terminated; or

(2) a red signal is to be given.

(f) The Texas Transportation Commission, a municipal
authority, or the commissioners court of a county may prohibit
within the entity's jurisdiction a turn by an operator of a vehicle
facing a steady red signal by posting notice at the intersection
that the turn is prohibited.

(g) This section applies to an official traffic-control
signal placed and maintained at a place other than an intersection,
except for a provision that by its nature cannot apply. A required
stop shall be made at a sign or marking on the pavement indicating
where the stop shall be made. In the absence of such a sign or
marking, the stop shall be made at the signal.

(h) The obligations imposed by this section apply to an
operator of a streetcar in the same manner they apply to the
operator of a vehicle. (V.A.C.S. Art. 6701d, Sec. 33 (part).)
Sec. 33. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, [except for special pedestrian signals carrying a word legend,] and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Steady yellow indication

1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(c) Steady red indication

1. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection, and may then turn right or, if the intersecting streets are both one-way streets and left turns are permissible, may turn left, after standing until the intersection may be entered safely, yielding right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Traffic not so turning shall remain standing until an indication to proceed is shown. The State Highway Commission, municipal authorities, and Commissioners Courts, within their respective jurisdictions, may prohibit such turns on a steady red signal by posting a notice that turns of that type are prohibited. Such notice shall be erected at such intersection giving notice thereof.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles.
Reviser's Note
Subsection (c)1., Section 33, V.A.C.S. Article 6701d, refers to the "Texas Highway Commission." The revised law substitutes "Texas Transportation Commission" for the reason stated in the reviser's note under Section 544.001 of this code.

Revised Law
Sec. 544.008. FLASHING SIGNALS. (a) The operator of a vehicle facing a flashing red signal shall stop at a clearly marked stop line. In the absence of a stop line, the operator shall stop before entering the crosswalk on the near side of the intersection. In the absence of a crosswalk, the operator shall stop at the place nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway. The right to proceed is subject to the rules applicable after stopping at a stop sign.

(b) The operator of a vehicle facing a flashing yellow signal may proceed through an intersection or past the signal only with caution.

(c) This section does not apply at a railroad crossing.

(V.A.C.S. Art. 6701d, Sec. 35.)

Source Law
Sec. 35. (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through an intersection or past such signal only with caution.
(b) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 86 of this Act.
Revisor's Note

Section 35(b), V.A.C.S. Article 6701d, provides that: "Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 86 of this Act." The revised law omits that sentence as unnecessary because the provisions in Chapter 545 of this subtitle relating to the conduct required of the operator of a vehicle approaching a railroad grade crossing are sufficient authority.

Revised Law

Sec. 544.009. LANE-DIRECTION-CONTROL SIGNALS. If a lane-direction-control signal is placed over an individual lane of a highway, a vehicle may travel in a lane over which a green signal is shown but may not enter or travel in a lane over which a red signal is shown. (V.A.C.S. Art. 6701d, Sec. 35A.)

Source Law

Sec. 35A. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

Revisor's Note

Section 35A, V.A.C.S. Article 6701d, refers to lanes of a "street or highway." The revised law omits "street" because under Section 541.302 of this title, "street" and "highway" have the same meaning.

Revised Law

Sec. 544.010. STOP SIGNS AND YIELD SIGNS. (a) Unless directed to proceed by a police officer or traffic-control signal, the operator of a vehicle or streetcar approaching an intersection with a stop sign shall stop as provided by Subsection (c).

(b) If safety requires, the operator of a vehicle approaching a yield sign shall stop as provided by Subsection (c).
(c) An operator required to stop by this section shall stop
before entering the crosswalk on the near side of the intersection.
In the absence of a crosswalk, the operator shall stop at a clearly
marked stop line. In the absence of a stop line, the operator
shall stop at the place nearest the intersecting roadway where the
operator has a view of approaching traffic on the intersecting
roadway. (V.A.C.S. Art. 6701d, Secs. 91A(b), (c).)

Source Law

(b) Except when directed to proceed by a police
officer or traffic-control signal, every driver of a
vehicle and every motorman of a streetcar approaching a
stop intersection indicated by a stop sign shall stop
before entering the crosswalk on the near side of the
intersection or, in the event there is no crosswalk,
shall stop at a clearly marked stop line, but if none,
then at the point nearest the intersecting roadway
where the driver has a view of approaching traffic on
the intersecting roadway before entering the
intersection.

(c) The driver of a vehicle approaching a yield
sign if required for safety to stop shall stop before
entering the crosswalk on the near side of the
intersection or, in the event there is no crosswalk, at
a clearly marked stop line, but if none, then at the
point nearest the intersecting roadway where the driver
has a view of approaching traffic on the intersecting
roadway.

Revisor's Note

(End of Chapter)

In 1937, the 45th Legislature adopted Article
6701d-20, which authorized installation of signal units
for traffic control. In 1947, the legislature adopted
the Uniform Act Regulating Traffic on Highways
(V.A.C.S. Article 6701d), which impliedly repealed
Article 6701d-20. Therefore, Article 6701d-20 has been
omitted from this revision. The omitted provision
reads:

Art. 6701d-20
Sec. 1. There may be installed at
such points on State Highways as may be
approved and directed by the State Highway
Engineer of the State of Texas, signal
units to be used as a means of controlling
and regulating traffic, both vehicular and
pedestrian, by the use of lights placed in
such units. Such lights shall consist of
red lights, amber (yellow) lights and green
lights. Said signal unit shall be
suspended above the center of said State Highways and installed under the direction of the State Highway Engineer, or any resident engineer of the State Highway Department.

At the display of the red light all traffic approaching such displayed light shall come to a complete stop; at the display of the amber (yellow) light, traffic shall prepare to move forward, and at the display of the green light traffic shall proceed to move forward.

Sec. 2. Any person who shall fail to stop after approaching a signal unit which has been installed and is being operated when the red light signal or the amber (yellow) signal is displayed on the side of such signal toward which he is approaching, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine in any sum not to exceed Two Hundred ($200.00) Dollars.

Sec. 3. It shall not be necessary for the State to prove the installation of such signal units, or the approval and direction of the State Highway Engineer, but any person charged with a violation of this Act shall have the right to prove same was not so approved and installed as a defense.

Sec. 4. This Act shall not apply to, or be construed as in conflict with any city ordinance of any incorporated city or town within this State, but shall be construed as applying only to points on State Highways outside the limits of incorporated cities and towns.

The uniform act also impliedly repeals Sections 12, 13, and 14, V.A.C.S. Article 6701d-11, which were enacted by the 41st Legislature in 1929. Section 12, which authorizes the department to designate main highways, was impliedly repealed by V.A.C.S. Article 6701d, Sections 30 and 32 (Sections 544.002 and 544.004 of this code, respectively). Section 13, which prohibits the unauthorized construction or maintenance of a sign, marker, signal, or light on a state highway was impliedly repealed by Section 36 (Section 544.006 of this code). Section 14, which relates to penalties for damage or removal of authorized signs, was impliedly repealed by Section 37 (Section 544.005 of this code). Sections 12, 13, and 14 have been omitted from this revision. The omitted sections read:
Sec. 12. The Department, with reference to State Highways under its jurisdiction, is hereby authorized to designate main traveled or through highways by erecting at the entrances thereto signs notifying drivers of vehicles to come to a full stop before entering or crossing any such highway; and whenever any such sign has been so erected, it shall be unlawful for the driver or operator of any vehicle to fail to stop in obedience thereto.

Sec. 13. No unauthorized person shall erect or maintain upon any State Highway any warning or direction sign, marker, signal or light, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising, provided nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department.

Sec. 14. Any person who shall deface, injure, knock down or remove any sign, posted as provided in this Act shall be guilty of a misdemeanor.

CHAPTER 545. OPERATION AND MOVEMENT OF VEHICLES

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CHAPTER 545. OPERATION AND MOVEMENT OF VEHICLES
SUBCHAPTER A. GENERAL PROVISIONS

Revised Law
Sec. 545.001. DEFINITION. In this chapter, "pass" or "passing" used in reference to a vehicle means to overtake and proceed past another vehicle moving in the same direction as the passing vehicle or to attempt that maneuver. (New.)

Revisor's Note
The portions of V.A.C.S. Article 6701d revised in this chapter refer in many provisions to overtaking and passing another vehicle moving in the same direction. The revised law adds a definition of "pass" or "passing" to include the concept of overtaking another vehicle moving in the same direction to avoid the burdensome repetition of those provisions.
Sec. 545.002. OPERATOR. In this chapter, a reference to an operator includes a reference to the vehicle operated by the operator if the reference imposes a duty or provides a limitation on the movement or other operation of that vehicle. (New.)

Revisor's Note
Many of the provisions of V.A.C.S. Article 6701d revised in this chapter refer to the driver of a vehicle. "Operator" is substituted for "driver" because under Section 541.001 of this code, "operator" is defined as a person who drives or is in control of a vehicle. The revised law is added to remind the reader that driving a vehicle is included in the definition of "operator" and to ensure proper understanding of the revised law.

[Sections 545.003-545.050 reserved for expansion]

SUBCHAPTER B. DRIVING ON RIGHT SIDE OF ROADWAY AND PASSING

Sec. 545.051. DRIVING ON RIGHT SIDE OF ROADWAY. (a) An operator on a roadway of sufficient width shall drive on the right half of the roadway, unless:

(1) the operator is passing another vehicle;

(2) an obstruction necessitates moving the vehicle left of the center of the roadway and the operator yields the right-of-way to a vehicle that:

(A) is moving in the proper direction on the unobstructed portion of the roadway; and

(B) is an immediate hazard;

(3) the operator is on a roadway divided into three marked lanes for traffic; or

(4) the operator is on a roadway restricted to one-way traffic.
(b) An operator of a vehicle on a roadway moving more slowly than the normal speed of other vehicles at the time and place under the existing conditions shall drive in the right-hand lane available for vehicles, or as close as practicable to the right-hand curb or edge of the roadway, unless the operator is:

(1) passing another vehicle; or

(2) preparing for a left turn at an intersection or into a private road or driveway.

(c) An operator on a roadway having four or more lanes for moving vehicles and providing for two-way movement of vehicles may not drive left of the center line of the roadway except:

(1) as authorized by an official traffic-control device designating a specified lane to the left side of the center of the roadway for use by a vehicle not otherwise permitted to use the lane;

(2) under the conditions described by Subsection (a)(2); or

(3) in crossing the center line to make a left turn into or out of an alley, private road, or driveway. (V.A.C.S. Art. 6701d, Sec. 52.)

Source Law

Sec. 52. (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same
direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection (a) 2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or out of an alley, private road, or driveway.

Revisor's Note

(1) Sections 52(a) and (b), V.A.C.S. Article 6701d, refer to a vehicle "passing another vehicle proceeding in the same direction." Throughout this chapter the revised law omits the reference to "proceeding in the same direction" because it is included in the definition of "pass" or "passing" under Section 545.001 of this code.

(2) Section 52(a), V.A.C.S. Article 6701d, refers in Subdivision 1 to "under the rules governing such movement" and in Subdivision 3 to "under the rules applicable thereon." The quoted phrases are omitted from the revised law as unnecessary because those rules are provided by law and are themselves sufficient for all purposes.

Revised Law

Sec. 545.052. DRIVING PAST VEHICLE MOVING IN OPPOSITE DIRECTION. An operator moving in the opposite direction of the movement of another operator shall:

(1) move to or remain to the right; and

(2) on a roadway wide enough for not more than one line of vehicle movement in each direction, give the other operator:

(A) at least one-half of the main traveled portion of the roadway; or
(B) if complying with Paragraph (A) is not possible, as much of the roadway as possible. (V.A.C.S. Art. 6701d, Sec. 53.)

Source Law

Sec. 53. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible.

Revised Law

Sec. 545.053. PASSING TO THE LEFT; RETURN; BEING PASSED.

(a) An operator passing another vehicle:
   (1) shall pass to the left of the other vehicle at a safe distance; and
   (2) may not move back to the right side of the roadway until safely clear of the passed vehicle.

(b) An operator being passed by another vehicle:
   (1) shall, on audible signal, move or remain to the right in favor of the passing vehicle; and
   (2) may not accelerate until completely passed by the passing vehicle.

(c) Subsection (b) does not apply when passing to the right is permitted. (V.A.C.S. Art. 6701d, Sec. 54.)

Source Law

Sec. 54. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
Revised Law

Sec. 545.054. PASSING TO THE LEFT: SAFE DISTANCE. (a) An operator may not drive on the left side of the center of the roadway in passing another vehicle unless:

(1) driving on the left side of the center of the roadway is authorized by this subtitle; and

(2) the left side is clearly visible and free of approaching traffic for a distance sufficient to permit passing without interfering with the operation of the passed vehicle or a vehicle approaching from the opposite direction.

(b) An operator passing another vehicle shall return to an authorized lane of travel:

(1) before coming within 200 feet of an approaching vehicle, if a lane authorized for vehicles approaching from the opposite direction is used in passing; or otherwise

(2) as soon as practicable. (V.A.C.S. Art. 6701d, Sec. 56.)

Source Law

Sec. 56. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Act and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

Revised Law

Sec. 545.055. PASSING TO THE LEFT: PASSING ZONES. (a) An operator shall obey the directions of a sign or marking in Subsection (c) or (d) if the sign or marking is in place and clearly visible to an ordinarily observant person.

(b) An operator may not drive on the left side of the
roadway in a no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone. This subsection does not prohibit a driver from crossing pavement striping, or the center line in a no-passing zone marked by signs only, to make a left turn into or out of an alley or private road or driveway.

(c) The Texas Transportation Commission, on a state highway under the jurisdiction of the commission, may:

(1) determine those portions of the highway where passing or driving to the left of the roadway would be especially hazardous; and

(2) show the beginning and end of each no-passing zone by appropriate signs or markings on the roadway.

(d) A local authority, on a highway under the jurisdiction of the local authority, may:

(1) determine those portions of the highway where passing or driving to the left of the roadway would be especially hazardous; and

(2) show the beginning and end of each no-passing zone by appropriate signs or markings on the roadway. (V.A.C.S. Art. 6701d, Secs. 57(a) (part), 58.)

Source Law

Sec. 57. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with Section 58.

Sec. 58. (a) The State Highway Commission on State highways under its jurisdiction, and local authorities on highways under their jurisdiction, are authorized to determine those portions of any highway under their appropriate jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or marking on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in Subsection (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such
no-passing zone throughout its length. However, this
subsection shall not be construed as prohibiting the
crossing of such pavement striping, or the center line
within a no-passing zone marked by signs only, in
making a left turn into or out of an alley, private
road, or driveway.

Revisor's Note
Section 58(a), V.A.C.S. Article 6701d, refers to
the "State Highway Commission." The revised law
substitutes "Texas Transportation Commission" for
"State Highway Commission" for the reason stated in the
revisor's note to Section 201.003 of this code.

Revised Law
Sec. 545.056. DRIVING TO LEFT OF CENTER OF ROADWAY:
LIMITATIONS OTHER THAN PASSING. (a) An operator may not drive to
the left side of the roadway if the operator is:
(1) approaching within 100 feet of an intersection or
railroad grade crossing in a municipality;
(2) approaching within 100 feet of an intersection or
railroad grade crossing outside a municipality and the intersection
or crossing is shown by a sign or marking in accordance with
Section 545.055;
(3) approaching within 100 feet of a bridge, viaduct,
or tunnel; or
(4) awaiting access to a ferry operated by the Texas
Transportation Commission.
(b) The limitations in Subsection (a) do not apply:
(1) on a one-way roadway; or
(2) to an operator turning left into or from an alley
or private road or driveway.
(c) The Texas Transportation Commission shall post signs
along the approach to a ferry operated by the commission notifying
operators that passing is prohibited if there is a standing line of
vehicles awaiting access to the ferry. (V.A.C.S. Art. 6701d, Secs.
57(a) (part), (b), (c).)
Sec. 57. (a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

2. When approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing within the limits of an incorporated city or town;

3. Outside the limits of an incorporated city or town when approaching within one hundred (100) feet of or passing through any intersection or railroad grade crossing and the intersection or crossing is indicated by signs or markings in accordance with Section 58;

4. When approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

4. When awaiting access to a ferry operated by the State Highway Commission.

(b) The foregoing limitations shall not apply upon a oneway roadway, nor to any driver of a vehicle turning left into or from an alley, private road, or driveway.

(c) The State Highway Commission shall post signs along the approach to any ferry operated by it notifying motorists that passing is prohibited when there is a standing line of vehicles awaiting access to the ferry.

Reviser's Note

(1) Section 57(a), V.A.C.S. Article 6701d, refers to an "incorporated city or town." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city or town" because that is the term used in the Local Government Code.

(2) Section 57(c), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 545.057. PASSING TO THE RIGHT. (a) An operator may pass to the right of another vehicle only if conditions permit safely passing to the right and:

(1) the vehicle being passed is making or about to
make a left turn; and

(2) the operator is:

(A) on a highway having unobstructed pavement not occupied by parked vehicles and sufficient width for two or more lines of moving vehicles in each direction; or

(B) on a one-way street or on a roadway having traffic restricted to one direction of movement and the roadway is free from obstructions and wide enough for two or more lines of moving vehicles.

(b) An operator may not pass to the right by leaving the main traveled portion of a roadway except as provided by Section 545.058. (V.A.C.S. Art. 6701d, Sec. 55.)

Source Law

Sec. 55. (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the main traveled portion of the roadway except as provided in Section 54A.

Revisor's Note

(1) Section 55(a), V.A.C.S. Article 6701d, refers to a "street or highway." The revised law omits the reference to "street" because "highway" and "street" have the same meaning under Section 541.302 of this code, and a reference to both is unnecessary.

(2) Section 55, V.A.C.S. Article 6701d, refers to Section 54A. That section is revised in this code as Section 545.058, and the revised law is drafted
Sec. 545.058. DRIVING ON IMPROVED SHOULDER. (a) An operator may drive on an improved shoulder to the right of the main traveled portion of a roadway if that operation is necessary and may be done safely, but only:

(1) to stop, stand, or park;
(2) to accelerate before entering the main traveled lane of traffic;
(3) to decelerate before making a right turn;
(4) to pass another vehicle that is slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn;
(5) to allow another vehicle traveling faster to pass;
(6) as permitted or required by an official traffic-control device; or
(7) to avoid a collision.

(b) An operator may drive on an improved shoulder to the left of the main traveled portion of a divided or limited-access or controlled-access highway if that operation may be done safely, but only:

(1) to slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement of the vehicle to the shoulder to the right of the main traveled portion of the roadway;
(2) as permitted or required by an official traffic-control device; or
(3) to avoid a collision.

(c) A limitation in this section on driving on an improved shoulder does not apply to:

(1) an authorized emergency vehicle responding to a call;
(2) a police patrol; or
(3) a bicycle. (V.A.C.S. Art. 6701d, Secs. 54A(a),
(b), (c) (part).)

Source Law

Sec. 54A. (a) A driver may operate a vehicle on an improved shoulder to the right of the main traveled portion of the roadway as long as necessary and when the operation may be done in safety only under the following circumstances:
1. to stop, stand, or park;
2. to accelerate prior to entering the main traveled lane of traffic;
3. to decelerate prior to making a right turn;
4. to overtake and pass another vehicle that is slowing or stopped on the main traveled portion of the highway disabled or preparing to make a left turn;
5. to allow other vehicles to pass that are traveling at a greater speed;
6. when permitted or required by an official traffic control device; or
7. at any time to avoid a collision.

(b) A driver may operate a vehicle on the improved shoulder to the left of the main traveled portion of a divided or controlled-access highway when the operation may be done in safety only under the following conditions:
1. to slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement of the vehicle to the shoulder to the right of the main traveled portion of the roadway;
2. when permitted or required by an official traffic control device; or
3. to avoid a collision.

(c) The provisions of this section limiting the operation of vehicles upon improved shoulders shall not apply to:
1. authorized emergency vehicles responding to calls;
2. police patrols;
3. bicycles.

Revisor's Note

Section 54A(c), V.A.C.S. Article 6701d, provides an exception for highway work and an exclusion of the exception. That provision is omitted as unnecessary because Section 542.004 of this code makes the same exception and exclusion applicable to the entire subtitle. The omitted provision reads:

[(c) The provisions of this section limiting the operation of vehicles upon improved shoulders shall not apply to:]

(3) vehicles and equipment actually engaged in work upon a highway but
shall apply to such persons and vehicles when traveling to or from such work . . . .

Revised Law

Sec. 545.059. ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

(a) The Texas Transportation Commission may designate a highway or separate roadway under the jurisdiction of the commission for one-way traffic and shall erect appropriate signs giving notice of the designation.

(b) On a roadway that is designated and on which signs are erected for one-way traffic, an operator shall drive only in the direction indicated.

(c) An operator moving around a rotary traffic island shall drive only to the right of the island. (V.A.C.S. Art. 6701d, Sec. 59.)

Source Law

Sec. 59. (a) The State Highway Commission may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

(b) Upon a roadway designated and signposted for one-way traffic the driver of a vehicle shall drive only in the direction designated.

(c) The driver of a vehicle passing around a rotary traffic island shall drive only to the right of such island.

Reviser's Note

Section 59, V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 545.060. DRIVING ON ROADWAY LANED FOR TRAFFIC. (a) An operator on a roadway divided into two or more clearly marked lanes for traffic:

(1) shall drive as nearly as practical entirely within a single lane; and
(2) may not move from the lane unless that movement can be made safely.

(b) If a roadway is divided into three lanes and provides for two-way movement of traffic, an operator on the roadway may not drive in the center lane except:

(1) if passing another vehicle and the center lane is clear of traffic within a safe distance;

(2) in preparing to make a left turn; or

(3) where the center lane is designated by an official traffic-control device for movement in the direction in which the operator is moving.

(c) Without regard to the center of the roadway, an official traffic-control device may be erected directing slow-moving traffic to use a designated lane or designating lanes to be used by traffic moving in a particular direction.

(d) Official traffic-control devices prohibiting the changing of lanes on sections of roadway may be installed.

(V.A.C.S. Art. 6701d, Sec. 60.)

Source Law

Sec. 60. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) The driver of a vehicle shall drive as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the direction of every such sign.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the
directions of every such device.

Revisor's Note

(1) Section 60, V.A.C.S. Article 6701d, provides that "the following rules in addition to all others consistent herewith shall apply." The revised law omits the reference to "all others consistent herewith" because an accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless it provides otherwise or unless the statutes are in conflict. The general principle applies to this revision.

(2) Sections 60(c) and (d), V.A.C.S. Article 6701d, require a driver to obey an official traffic-control device or sign. That requirement is omitted as duplicative of the general requirement revised in Section 544.004 of this code that operators shall comply with official traffic-control devices.

Revised Law

Sec. 545.061. DRIVING ON MULTIPLE-LANE ROADWAY. On a roadway divided into three or more lanes and providing for one-way movement of traffic, an operator entering a lane of traffic from a lane to the right shall yield the right-of-way to a vehicle entering the same lane of traffic from a lane to the left.

(V.A.C.S. Art. 6701d, Sec. 60A.)

Source Law

Sec. 545.062. FOLLOWING DISTANCE. (a) An operator shall, if following another vehicle, maintain an assured clear distance...
between the two vehicles so that, considering the speed of the
vehicles, traffic, and the conditions of the highway, the operator
can safely stop without colliding with the preceding vehicle or
veering into another vehicle, object, or person on or near the
highway.

(b) An operator of a truck or of a motor vehicle drawing
another vehicle who is on a roadway outside a business or
residential district and who is following another truck or motor
vehicle drawing another vehicle shall, if conditions permit, leave
sufficient space between the vehicles so that a vehicle passing the
operator can safely enter and occupy the space. This subsection
does not prohibit a truck or a motor vehicle drawing another
vehicle from passing another vehicle.

(c) An operator on a roadway outside a business or
residential district driving in a caravan of other vehicles or a
motorcade shall allow sufficient space between the operator and the
vehicle preceding the operator so that another vehicle can safely
enter and occupy the space. This subsection does not apply to a
funeral procession. (V.A.C.S. Art. 6701d, Sec. 61.)

Source Law

Sec. 61. (a) The driver of a motor vehicle
shall, when following another vehicle, maintain an
assured clear distance between the two vehicles,
exercising due regard for the speed of such vehicles,
traffic upon and conditions of the street or highway,
so that such motor vehicle can be safely brought to a
stop without colliding with the preceding vehicle, or
veering into other vehicles, objects or persons on or
near the street or highway.

(b) The driver of any motor truck or motor
vehicle drawing another vehicle when traveling upon a
roadway outside of a business or residential district
and which is following another motor truck or motor
vehicle drawing another vehicle shall whenever
conditions permit leave sufficient space so that an
overtaking vehicle may enter and occupy such space
without danger, except that this shall not prevent a
motor truck or motor vehicle drawing another vehicle
from overtaking and passing any like vehicle or other
vehicle.

(c) The drivers of motor vehicles driven upon
any roadway outside of a business or residential
district in a caravan or motorcade whether or not
towing other vehicles shall drive so as to allow
sufficient space between each such vehicle or
combination of vehicles so as to enable any other
vehicles to enter and occupy such space without danger.
This provision shall not apply to funeral processions.

Revised Law

Sec. 545.063. DRIVING ON DIVIDED HIGHWAY. (a) On a highway having two or more roadways separated by a space, physical barrier, or clearly indicated dividing section constructed to impede vehicular traffic, an operator shall drive on the right roadway unless directed or permitted to use another roadway by an official traffic-control device or police officer.

(b) An operator may not drive over, across, or in a dividing space, physical barrier, or section constructed to impede vehicular traffic except:

(1) through an opening in the physical barrier or dividing section or space; or

(2) at a crossover or intersection established by a public authority. (V.A.C.S. Art. 6701d, Sec. 62.)

Source Law

Sec. 62. Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established by public authority.

Revised Law

Sec. 545.064. RESTRICTED ACCESS. An operator may not drive on or from a limited-access or controlled-access roadway except at an entrance or exit that is established by a public authority. (V.A.C.S. Art. 6701d, Sec. 63.)

Source Law

Sec. 63. No person shall drive a vehicle onto or from any limited access or controlled access roadway except at such entrances and exits as are established by public authority.
Sec. 545.065. STATE AND LOCAL REGULATION OF LIMITED-ACCESS OR CONTROLLED-ACCESS HIGHWAYS. (a) The Texas Transportation Commission by resolution or order recorded in its minutes may prohibit the use of a limited-access or controlled-access highway under the jurisdiction of the commission by a parade, funeral procession, pedestrian, bicycle, motor-driven cycle, or nonmotorized traffic.

(b) If the commission adopts a rule under Subsection (a), the commission shall erect and maintain official traffic-control devices on the portions of the limited-access or controlled-access highway to which the rule applies.

(c) A local authority by ordinance may prohibit the use of a limited-access or controlled-access roadway under the jurisdiction of the authority by a parade, funeral procession, pedestrian, bicycle, motor-driven cycle, or nonmotorized traffic.

(d) If a local authority adopts an ordinance under Subsection (c), the authority shall erect and maintain official traffic-control devices on the portions of the limited-access or controlled-access roadway to which the ordinance applies.

(V.A.C.S. Art. 6701d, Sec. 64.)

Sec. 64. The State Highway Commission may by resolution or order entered in its minutes, and local authorities may by ordinance, with respect to any limited-access or controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by parades, funeral processions, pedestrians, bicycles, nonmotorized traffic, or by any person operating a motor driven cycle. The State Highway Commission or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic-control devices on the limited-access or controlled-access highway on which such regulations are applicable and when in place no person shall disobey the restrictions stated on such devices.

Revisor's Note

(1) Section 64, V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law
substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

(2) Section 64, V.A.C.S. Article 6701d, requires a driver not to disobey an official traffic-control device or sign. That requirement is omitted as duplicative of the general requirement revised in Section 544.004 of this code that operators shall comply with official traffic-control devices.

Revised Law
Sec. 545.066. PASSING A SCHOOL BUS; OFFENSE. (a) An operator on a highway, when approaching from either direction a school bus stopped on the highway to receive or discharge a schoolchild:

(1) shall stop before reaching the school bus when the bus is operating a visual signal as required by Section 547.701; and

(2) may not proceed until:

(A) the school bus resumes motion;

(B) the operator is signaled by the bus driver to proceed; or

(C) the visual signal is no longer actuated.

(b) An operator on a highway having separate roadways is not required to stop:

(1) for a school bus that is on a different roadway; or

(2) if on a controlled-access highway, for a school bus that is stopped:

(A) in a loading zone that is a part of or adjacent to the highway; and

(B) where pedestrians are not permitted to cross the roadway.

(c) An offense under this section is a misdemeanor.
punishable by a fine of not less than $200 or more than $1,000.

(d) The court may order that the driver's license of a person convicted of a second or subsequent offense under this section be suspended for not longer than six months beginning on the date of conviction. In this subsection, "driver's license" has the meaning assigned by Chapter 521.

(e) If a person does not pay the previously assessed fine or costs on a conviction under this section, or is determined by the court to have insufficient resources or income to pay a fine or costs on a conviction under this section, the court may order the person to perform community service. The court shall set the number of hours of service under this subsection. (V.A.C.S. Art. 6701d, Sec. 104.)

Source Law

Sec. 104. (a) The driver of a vehicle upon a highway inside or outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in Section 124 of this Act, and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(c) An offense under this section is punishable by a fine of not less than $200 and not more than $1,000.

(d) On conviction of a person of a second or subsequent offense under this section, the court may order that the person's driver's license be suspended for a period of up to six months beginning on the date of conviction. In this subsection, "driver's license" has the meaning assigned by Section 1, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes).

(e) If a person fails to pay a previously assessed fine or costs on a conviction under this section, or is determined by the court to have insufficient resources or income to pay a fine or costs on a conviction under this section, the court may order the person to perform community service. The court shall set the number of hours of service under this subsection.
Revisor's Note

(1) Section 104(a), V.A.C.S. Article 6701d, refers to a highway "inside or outside of a business or residence district." The reference is omitted as unnecessary because "highway" includes all public ways, without limitation as to being in a business or residence district.

Section 104(a) also refers to Section 124 of "this Act," meaning V.A.C.S. Article 6701d. The relevant portion of that section is revised by Section 547.701 of this code, and the revised law is drafted accordingly.

(2) Section 104(d), V.A.C.S. Article 6701d, refers to Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes). That law is revised in this code as Chapter 521, and the revised law is drafted accordingly.

[Sections 545.067-545.100 reserved for expansion]

SUBCHAPTER C. TURNING AND SIGNALS FOR STOPPING AND TURNING

Revised Law

Sec. 545.101. TURNING AT INTERSECTION. (a) To make a right turn at an intersection, an operator shall make both the approach and the turn as closely as practicable to the right-hand curb or edge of the roadway.

(b) To make a left turn at an intersection, an operator shall:

(1) approach the intersection in the extreme left-hand lane lawfully available to a vehicle moving in the direction of the vehicle; and

(2) after entering the intersection, turn left, leaving the intersection so as to arrive in a lane lawfully available to traffic moving in the direction of the vehicle on the
roadway being entered.

(c) On a street or roadway designated for two-way traffic, the operator turning left shall, to the extent practicable, turn in the portion of the intersection to the left of the center of the intersection.

(d) To turn left, an operator who is approaching an intersection having a roadway designated for one-way traffic and for which signs are posted from a roadway designated for one-way traffic and for which signs are posted shall make the turn as closely as practicable to the left-hand curb or edge of the roadway.

(e) The Texas Transportation Commission or a local authority, with respect to a highway in its jurisdiction, may:

(1) authorize the placement of an official traffic-control device in or adjacent to an intersection; and

(2) require a course different from that specified in this section for movement by vehicles turning at an intersection.

(V.A.C.S. Art. 6701d, Sec. 65.)

Source Law

Sec. 65. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable on a street or roadway that has been designated for two-way traffic, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. If the driver of a vehicle is approaching an intersection with a street or roadway that has been designated and sign-posted for one-way traffic from a street or roadway that has been designated and sign-posted for one-way traffic, the driver shall make the left turn as close as practicable to the left-hand curb or edge of the roadway.

(c) The State Highway and Public Transportation Commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent
to intersections and thereby require and direct that a
different course from that specified in this section be
traveled by vehicles turning at an intersection, and
when such devices are so placed no driver of a vehicle
shall turn a vehicle at an intersection other than as
directed and required by such devices.

Revisor's Note

(1) Section 65(c), V.A.C.S. Article 6701d,
refers to the "State Highway and Public Transportation
Commission." The revised law substitutes "Texas
Transportation Commission" for "State Highway and
Public Transportation Commission" for the reason stated
in the reviser's note to Section 201.003 of this code.

(2) Section 65(c), V.A.C.S. Article 6701d,
authorizes the State Highway and Public Transportation
Commission and local authorities to "require and
direct" a different course of travel from that
previously specified in Section 65 in certain
instances. The revised law omits "direct" as
unnecessary because "require" provides sufficient
authority for enforcement of the statute.

Section 65(c) also requires a driver not to turn
otherwise than as directed by an official
traffic-control device. That requirement is omitted as
duplicative of the general requirement revised in
Section 544.004 of this code that operators shall
comply with official traffic-control devices.

Revised Law

Sec. 545.102. TURNING ON CURVE OR CREST OF GRADE. An
operator may not turn the vehicle to move in the opposite direction
when approaching a curve or the crest of a grade if the vehicle is
not visible to the operator of another vehicle approaching from
either direction within 500 feet. (V.A.C.S. Art. 6701d, Sec. 66.)

Source Law

Sec. 66. No vehicle shall be turned so as to
proceed in the opposite direction upon any curve, or
upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Revised Law

Sec. 545.103. SAFELY TURNING. An operator may not turn the vehicle to enter a private road or driveway, otherwise turn the vehicle from a direct course, or move right or left on a roadway unless movement can be made safely. (V.A.C.S. Art. 6701d, Sec. 68(a) (part).)

Source Law

Sec. 68. (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 65, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with safety.

Revisor's Note

Section 68(a), V.A.C.S. Article 6701d, requires a driver to be in the proper position as required by Section 65 to turn a vehicle. The requirement is not repeated in this section of the revised law because the requirement in Section 65 is revised in Section 545.101 of this code.

Revised Law

Sec. 545.104. SIGNALING TURNS; USE OF TURN SIGNALS. (a) An operator shall use the signal authorized by Section 545.106 to indicate an intention to turn, change lanes, or start from a parked position.

(b) An operator intending to turn a vehicle right or left shall signal continuously for not less than the last 100 feet of movement of the vehicle before the turn.

(c) An operator may not light the signals on only one side of the vehicle on a parked or disabled vehicle or use the signals as a courtesy or "do pass" signal to the operator of another vehicle.
vehicle approaching from the rear. (V.A.C.S. Art. 6701d, Secs. 268(a) (part), (b), (d).)

Source Law

(a) . . . Except under conditions set out in Section 24(a) no person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

(d) The signals provided for in Section 69 of this Act shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

Revisor's Note

(1) Section 68(a), V.A.C.S. Article 6701d, references the exception provided by Section 24(a), V.A.C.S. Article 6701d, which is revised as Section 542.004 of this code and exempts workers on the highways from the provisions of this subtitle. That reference is omitted as unnecessary.

(2) Section 68(d), V.A.C.S. Article 6701d, refers to Section 69 of that article. That section is revised in this code as Section 545.106, and the revised law is drafted accordingly.

Revised Law

Sec. 545.105. SIGNALING STOPS. An operator may not stop or suddenly decrease the speed of the vehicle without first giving a stop signal as provided by this subchapter to the operator of a vehicle immediately to the rear when there is an opportunity to give the signal. (V.A.C.S. Art. 6701d, Sec. 68(c).)

Source Law

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
Sec. 545.106. SIGNALS BY HAND AND ARM OR BY SIGNAL LAMP.

(a) Except as provided by Subsection (b), an operator required to give a stop or turn signal shall do so by:

1. using the hand and arm; or
2. lighting signal lamps approved by the department.

(b) A motor vehicle in use on a highway shall be equipped with signal lamps, and the required signal shall be given by lighting the lamps, if:

1. the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle is more than two feet; or
2. the distance from the center of the top of the steering post to the rear limit of the body or load of a combination of vehicles, is more than 14 feet.

(V.A.C.S. Art. 6701d, Secs. 69, 70 (part)).

Sec. 69. (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Sec. 70. . . .

The signals herein required shall be given either by means of the hand-and-arm, or by a signal lamp or signal device approved by the department.

Sec. 545.107. METHOD OF GIVING HAND AND ARM SIGNALS. An operator who is permitted to give a hand and arm signal shall give the signal from the left side of the vehicle as follows:

1. to make a left turn signal, extend hand and arm horizontally;
(2) to make a right turn signal, extend hand and arm upward, except that a bicycle operator may signal from the right side of the vehicle with the hand and arm extended horizontally; and

(3) to stop or decrease speed, extend hand and arm downward. (V.A.C.S. Art. 6701d, Sec. 70 (part).)

Source Law

Sec. 70. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn. Hand and arm extended horizontally.
2. Right turn. Hand and arm extended upward, except that a bicycle operator may signal from the right side of the vehicle with hand and arm extended horizontally.
3. Stop or decrease speed. Hand and arm extended downward.

[Sections 545.108-545.150 reserved for expansion]

SUBCHAPTER D. RIGHT-OF-WAY

Revised Law

Sec. 545.151. VEHICLE APPROACHING OR ENTERING INTERSECTION.

(a) An operator approaching an intersection:

(1) shall stop, yield, and grant immediate use of the intersection in obedience to an official traffic-control device, including a stop sign or yield right-of-way sign; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(b) An operator on a single-lane or two-lane street or roadway who approaches an intersection that is not controlled by an official traffic-control device and that is located on a divided highway or on a street or roadway divided into three or more marked traffic lanes:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle on the other street or roadway that is
within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(c) An operator on an unpaved street or roadway approaching an intersection of a paved street or roadway:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle on the paved street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using the paved street or roadway.

(d) Except as provided in Subsection (e), an operator approaching an intersection of a street or roadway that is not controlled by an official traffic-control device:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right or is approaching the intersection from the operator's right in a proximity that is a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(e) An operator approaching an intersection of a street or roadway from a street or roadway that terminates at the intersection and that is not controlled by an official traffic-control device or controlled as provided by Subsection (b) or (c):

(1) shall stop, yield, and grant immediate use of the intersection to another vehicle that has entered the intersection from the other street or roadway or is approaching the intersection on the other street or roadway in a proximity that is a hazard; and

(2) after stopping, may proceed when the intersection
can be safely entered without interference or collision with the traffic using the other street or roadway.

(f) An operator who is required by this section to stop and yield the right-of-way at an intersection to another vehicle and who is involved in a collision or interferes with other traffic at the intersection to whom right-of-way is to be given is presumed not to have yielded the right-of-way. (V.A.C.S. Art. 6701d, Sec. 71.)

Source Law

Sec. 71. (a) The driver of a vehicle approaching the intersection of a different street or roadway shall stop, yield and grant the privilege of immediate use of such intersection in obedience to any stop sign, yield right-of-way sign or traffic control device erected by public authority, and after so stopping, may only proceed thereafter when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway.

(b) The driver of a vehicle on a single lane street or roadway, or a street or roadway consisting of only two traffic lanes, upon approaching the intersection, not otherwise controlled by traffic signs or signals, of a divided street or roadway, or of a street or roadway divided into three or more marked traffic lanes, shall stop, yield and grant the privilege of immediate use of such intersection to vehicles on such other street which are within the intersection or approaching such intersection in such proximity thereto as to constitute a hazard and after so stopping may only proceed thereafter when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway.

(c) The driver of a vehicle on an unpaved street or roadway approaching the intersection of a paved roadway shall stop, yield and grant the privilege of immediate use of such intersection to any vehicle on such paved roadway which is within the intersection or approaching such intersection in such proximity thereto as to constitute a hazard, and after so stopping may only proceed thereafter when such driver may safely enter the intersection without interference or collision with traffic using such paved street or roadway.

(d) Except as provided in Subsection (d-1) of this section, the driver of a vehicle approaching the intersection of a different street or roadway, not otherwise regulated herein, or controlled by traffic control signs or signals, shall stop, yield and grant the privilege of immediate use of such intersection to any other vehicle which has entered the intersection from such driver's right or is approaching such intersection from such driver's right in such proximity thereto as to constitute a hazard and after so stopping may only proceed thereafter when such driver may safely enter such intersection without interference or collision with traffic using such different street or
roadway.

(d-1) The driver of a vehicle approaching the intersection of a street or roadway from a street or roadway which terminates at the intersection, not otherwise regulated in this section or controlled by traffic control signs or signals, shall stop, yield, and grant the privilege of immediate use of the intersection to another vehicle which has entered the intersection from the other street or roadway or is approaching the intersection on the other street or roadway in such proximity as to constitute a hazard and after stopping may only proceed when the driver may safely enter the intersection without interference or collision with the traffic using the other street or roadway.

(e) A driver obligated to stop and yield the right-of-way in accord with Sections (a), (b), (c), (d), and (d-1) of Section 71, who is involved in a collision or interference with other traffic at such intersection is presumed not to have yielded the right-of-way as required by this Act.

Revised Law
Sec. 545.152. VEHICLE TURNING LEFT. To turn left at an intersection or into an alley or private road or driveway, an operator shall yield the right-of-way to a vehicle that is approaching from the opposite direction and that is in the intersection or in such proximity to the intersection as to be an immediate hazard. (V.A.C.S. Art. 6701d, Sec. 72.)

Source Law
Sec. 72. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Revised Law
Sec. 545.153. VEHICLE ENTERING STOP OR YIELD INTERSECTION.

(a) Preferential right-of-way at an intersection may be indicated by a stop sign or yield sign as authorized in Section 544.003.

(b) Unless directed to proceed by a police officer or official traffic-control device, an operator approaching an intersection on a roadway controlled by a stop sign, after stopping as required by Section 544.010, shall yield the right-of-way to a vehicle that has entered the intersection from another highway or that is approaching so closely as to be an immediate hazard to the
operator’s movement in or across the intersection.

(c) An operator approaching an intersection on a roadway controlled by a yield sign shall:

(1) slow to a speed that is reasonable under the existing conditions; and

(2) yield the right-of-way to a vehicle in the intersection or approaching on another highway so closely as to be an immediate hazard to the operator’s movement in or across the intersection.

(d) If an operator is required by Subsection (c) to yield and is involved in a collision with a vehicle in an intersection after the operator drove past a yield sign without stopping, the collision is prima facie evidence that the operator failed to yield the right-of-way. (V.A.C.S. Art. 6701d, Sec. 73.)

Source Law

Sec. 73. (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Subsection (a) of Section 91 of this Act.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (b) of Section 91A and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

Revisor’s Note

Section 73, V.A.C.S. Article 6701d, refers to Section 91 of that article and to Section 91A. Those sections are revised in this code as Sections 544.003
and 544.010, respectively, and the revised law is drafted accordingly.

**Revised Law**

Sec. 545.154. VEHICLE ENTERING OR LEAVING LIMITED-ACCESS OR CONTROLLED-ACCESS HIGHWAY. An operator on an access or feeder road of a limited-access or controlled-access highway shall yield the right-of-way to a vehicle entering or about to enter the access or feeder road from the highway or leaving or about to leave the access or feeder road to enter the highway. (V.A.C.S. Art. 6701d, Sec. 73A.)

**Source Law**

Sec. 73A. The driver of a vehicle proceeding on an access or feeder road of a controlled access highway shall yield the right-of-way to a vehicle entering or about to enter the road from the highway or leaving or about to leave the road to enter the highway.

**Revised Law**

Sec. 545.155. VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY. An operator about to enter or cross a highway from an alley, building, or private road or driveway shall yield the right-of-way to a vehicle approaching on the highway to be entered. (V.A.C.S. Art. 6701d, Sec. 74.)

**Source Law**

Sec. 74. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

**Revised Law**

Sec. 545.156. VEHICLE APPROACHED BY AUTHORIZED EMERGENCY VEHICLE. (a) On the immediate approach of an authorized emergency vehicle using audible and visual signals that meet the requirements of Sections 547.305 and 547.702, or of a police vehicle lawfully using only an audible signal, an operator, unless otherwise directed by a police officer, shall:

(1) yield the right-of-way;
(2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and

(3) stop and remain standing until the authorized emergency vehicle has passed.

(b) This section does not exempt the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (V.A.C.S. Art. 6701d, Secs. 75(a) (part), (b).)

Source Law

Sec. 75. (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 124 of this Act, or of a police vehicle properly and lawfully making use of an audible signal only:

1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Revisor's Note

Section 75(a), V.A.C.S. Article 6701d, refers to Section 124 of that article. The relevant portions of that section relating to emergency vehicles are revised in Sections 547.305 and 547.702 of this code, and the revised law is drafted accordingly.

[Sections 545.157-545.200 reserved for expansion]

SUBCHAPTER E. STREETCARS

Revised Law

Sec. 545.201. PASSING STREETCAR TO LEFT. (a) An operator may not pass to the left or drive on the left side of a streetcar moving in the same direction, even if the streetcar is temporarily at rest, unless the operator:
(1) is directed to do so by a police officer;
(2) is on a one-way street; or
(3) is on a street on which the location of the tracks prevents compliance with this section.

(b) An operator when lawfully passing to the left of a streetcar that has stopped to receive or discharge a passenger:
(1) shall reduce speed;
(2) may proceed only on exercising due caution for pedestrians; and
(3) shall accord a pedestrian the right-of-way as required by this subtitle. (V.A.C.S. Art. 6701d, Sec. 82.)

Source Law

Sec. 82. (a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any street car proceeding in the same direction, whether such street car is actually in motion or temporarily at rest, except:
1. When so directed by a police officer;
2. When upon a one-way street; or
3. When upon a street where the tracks are so located as to prevent compliance with this section.

(b) The driver of any vehicle when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians, and shall accord pedestrians the right-of-way when required by other sections of this Act.

Revised Law

Sec. 545.202. PASSING STREETCAR TO RIGHT. (a) An operator passing to the right of a streetcar stopped or about to stop to receive or discharge a passenger shall:
(1) stop the vehicle at least five feet to the rear of the nearest running board or door of the streetcar; and
(2) remain standing until all passengers have entered the streetcar or, on leaving, have reached a place of safety.

(b) An operator is not required to stop before passing a streetcar to the right if a safety zone has been established and may proceed past the streetcar at a reasonable speed and with due caution for the safety of pedestrians. (V.A.C.S. Art. 6701d, Sec.
Sec. 83. The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five (5) feet to the rear of the nearest running board or door of such street car and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

Reviser's Note

Section 83, V.A.C.S. Article 6701d, states that "a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper." The word "proper" is omitted from the revised law as unnecessary.

Revised Law

Sec. 545.203. DRIVING ON STREETCAR TRACKS. (a) An operator on a streetcar track in front of a streetcar shall move the operator's vehicle off the track as soon as possible after a signal from the operator of the streetcar.

(b) An operator may not drive on or cross a streetcar track in an intersection in front of a streetcar crossing the intersection.

(c) An operator who is passing a streetcar may not turn in front of the streetcar so as to interfere with or impede its movement. (V.A.C.S. Art. 6701d, Sec. 84.)

Source Law

Sec. 84. (a) The driver of any vehicle proceeding upon any street car track in front of a street car upon a street shall remove such vehicle from the track as soon as possible after signal from the operator of said street car.

(b) When a street car has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks within the intersection in
front of the street car.
(c) The driver of a vehicle upon overtaking and
passing a street car shall not turn in front of such
street car so as to interfere with or impede its
movement.

Revised Law
Sec. 545.204. STREETCAR APPROACHED BY AUTHORIZED EMERGENCY
VEHICLE. (a) On the immediate approach of an authorized emergency
vehicle using audible and visual signals that meet the requirements
of Sections 547.305 and 547.702, or of a police vehicle lawfully
using only an audible signal, the operator of a streetcar shall
immediately stop the streetcar clear of any intersection and remain
there until the authorized emergency vehicle has passed, unless
otherwise directed by a police officer.
(b) This section does not exempt the operator of an
authorized emergency vehicle from the duty to drive with due regard
for the safety of all persons using the highway. (V.A.C.S.
Art. 6701d, Secs. 75(a) (part), (b).)

Source Law
Sec. 75. (a) Upon the immediate approach of an
authorized emergency vehicle making use of audible and
visual signals meeting the requirements of Section 124
of this Act, or of a police vehicle properly and
lawfully making use of an audible signal only:
2. Upon the approach of an authorized
emergency vehicle, as above stated, the motorman of
every streetcar shall immediately stop such car clear
of any intersection and keep it in such position until
the authorized emergency vehicle has passed, except
when otherwise directed by a police officer.
(b) This section shall not operate to relieve
the driver of an authorized emergency vehicle from the
duty to drive with due regard for the safety of all
persons using the highway.

Revisor's Note
Section 75(a), V.A.C.S. Article 6701d, refers to
Section 124 of that article. The relevant portions of
that section relating to emergency vehicles are revised
in Sections 547.305 and 547.702 of this code, and the
revised law is drafted accordingly.
Sec. 545.205. CROSSING FIRE HOSE. An operator of a streetcar may not, without the consent of the fire department official in command, drive over an unprotected hose of a fire department when the hose is on a streetcar track and intended for use at a fire or alarm of fire. (V.A.C.S. Art. 6701d, Sec. 101 (part).)

Sec. 101. No driver of a street car . . . shall drive over an unprotected hose of a fire department when laid down on any . . . street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 545.206. OBSTRUCTION OF OPERATOR'S VIEW OR DRIVING MECHANISM. A passenger in a streetcar may not ride in a position that interferes with the operator's view ahead or to the side or with control over the driving mechanism of the streetcar. (V.A.C.S. Art. 6701d, Sec. 175(b) (part).)

(b) No passenger in a . . . streetcar shall ride in such position as to interfere with the . . . motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the . . . streetcar.

[Sections 545.207-545.250 reserved for expansion]

SUBCHAPTER F. SPECIAL STOPS AND SPEED RESTRICTIONS

Sec. 545.251. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN. (a) An operator approaching a railroad grade crossing shall stop not closer than 15 feet or farther than 50 feet from the nearest rail if:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a train;

(2) a crossing gate is lowered, or a flagger signals
the approach or passage of a train;

(3) a railroad engine approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the engine is an immediate hazard because of its speed or proximity to the crossing; or

(4) an approaching train is plainly visible and is in hazardous proximity to the crossing.

(b) An operator who stops as required by Subsection (a) may not proceed until it is safe to do so. (V.A.C.S. Art. 6701d, Sec. 86.)

Source Law

Sec. 86. Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(b) A crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a train;

(c) A railroad engine approaching within approximately fifteen hundred (1500) feet of the highway crossing emits a signal audible from such distance and such engine by reason of its speed or nearness to such crossing is an immediate hazard;

(d) An approaching train is plainly visible and is in hazardous proximity to such crossing.

Revised Law

Sec. 545.252. ALL VEHICLES TO STOP AT CERTAIN RAILROAD GRADE CROSSINGS. (a) The Texas Transportation Commission or a local authority, with respect to a highway in its jurisdiction, may:

(1) designate a railroad grade crossing as particularly dangerous; and

(2) erect a stop sign or other official traffic-control device at the grade crossing.

(b) An operator approaching a stop sign or other official traffic-control device that requires a stop and that is erected under Subsection (a) shall stop not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad and may proceed
only with due care.

(c) The costs of installing and maintaining a mechanically operated grade crossing safety device, gate, sign, or signal erected under this section shall be apportioned and paid on the same percentage ratio and in the same proportionate amounts by this state and all participating political subdivisions of this state as costs are apportioned and paid between the state and the United States. (V.A.C.S. Art. 6701d, Sec. 87.)

Source Law
Sec. 87. The State Highway Commission and local authorities with respect to highways under their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs or other standard traffic-control devices thereat. When such stop signs or other standard traffic-control devices are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care, and in the exercise of their authority to determine safety hazards existing at grade crossings of streets, roads, highways and other public rights-of-way with railroad track or tracks by the State and all political subdivisions thereof the costs for installation and maintenance of mechanically operated grade crossing safety devices, gates, signs and signals shall be apportioned and paid on the same percentage ratio and in the same proportionate amounts by the State and all political subdivisions thereof as is the presently established policy and practice of the State of Texas and the Federal Government.

Revisor's Note
Section 87, V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

Revised Law
Sec. 545.253. BUSES TO STOP AT ALL RAILROAD GRADE CROSSINGS.
(a) Except as provided by Subsection (c), the operator of a motor bus carrying passengers for hire or of a school bus carrying a schoolchild, before crossing a railroad grade crossing:
(1) shall stop the vehicle not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad;

(2) while stopped, shall listen and look in both directions along the track for an approaching train and signals indicating the approach of a train; and

(3) may not proceed until it is safe to do so.

(b) After stopping as required by Subsection (a), an operator described by Subsection (a) shall proceed without manually shifting gears while crossing the track.

(c) A vehicle is not required to stop at the crossing if a police officer or a traffic-control signal directs traffic to proceed.

(d) This section does not apply at a railway grade crossing in a business or residence district. (V.A.C.S. Art. 6701d, Sec. 88.)

Source Law

Sec. 88. (a) The driver of any motor bus carrying passengers for hire, or of any school bus carrying any school child, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

Revised Law

Sec. 545.254. VEHICLES CARRYING EXPLOSIVE SUBSTANCES OR FLAMMABLE LIQUIDS. (a) Before crossing a railroad grade crossing, an operator of a vehicle that has an explosive substance or flammable liquid as the vehicle's principal cargo and that is
moving at a speed of more than 20 miles per hour:

(1) shall reduce the speed of the vehicle to 20 miles per hour or less before coming within 200 feet of the nearest rail of the railroad;

(2) shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train; and

(3) may not proceed until the operator determines that the course is clear.

(b) The operator of a vehicle that has an explosive substance or flammable liquid as the vehicle's principal cargo, before crossing a railroad grade crossing on a highway in a municipality:

(1) shall stop the vehicle not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad;

(2) while stopped, shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train; and

(3) may not proceed until the operator determines that the course is clear.

(c) Subsections (a) and (b) do not apply:

(1) if a police officer, crossing flagger, or traffic-control signal directs traffic to proceed;

(2) where a railroad flashing signal is installed and does not indicate an approaching train;

(3) to an abandoned or exempted grade crossing that is clearly marked by or with the consent of the state, if the markings can be read from the operator's location;

(4) at a streetcar crossing in a business or residential district of a municipality; or

(5) to a railroad track used exclusively for industrial switching purposes in a business district.

(d) This section does not exempt the operator from compliance with Section 545.251 or 545.252. (V.A.C.S. Art. 6701d,
Sec. 89. (a) The driver of any vehicle carrying explosive substances or flammable liquids as its principal cargo before crossing at grade any track or tracks of a railroad, shall if travelling in excess of twenty (20) miles per hour, reduce the speed of such vehicle to twenty (20) miles per hour before approaching within two hundred (200) feet from the nearest rail of such railroad and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of the train, except as hereinafter provided, and shall not proceed until precautions have been taken to ascertain that the course is clear.

(b) The driver of any vehicle carrying explosive substances or flammable liquids as its principal cargo before crossing at grade any track or tracks of a railroad on streets and highways within the limits of any corporate town or city shall stop the vehicle not more than fifty (50) feet nor less than fifteen (15) feet from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until precautions have been taken to ascertain that the course is clear.

(c) The requirements contained in Section 89, Paragraphs (a) and (b) above shall not apply when any of the following circumstances or conditions exist:

(1) When a police officer or a crossing flagman, or a traffic control signal directs traffic to proceed.

(2) Where a railroad flashing signal is installed and displays no indication of an approaching train.

(3) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such markings can be read from the driver's position.

(4) At a streetcar crossing within a business or residential district of a municipality.

(5) Railroad tracks used exclusively for industrial switching purposes within a business district.

(d) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the requirements contained in sections 86 and 87 of this Act.

Revisor's Note
(1) Section 89(b), V.A.C.S. Article 6701d, refers to a "corporate town or city." The revised law omits "corporate" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "town or city" because that is the term used in the Local...
Government Code.

(2) Section 89(d), V.A.C.S. Article 6701d, refers to "Sections 86 and 87 of this Act," which are revised by Sections 545.251 and 545.252 of this code. The revised law is drafted accordingly.

Revised Law

Sec. 545.255. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS. (a) This section applies only to:

(1) a crawler-type tractor, steam shovel, derrick, or roller; and

(2) any other equipment or structure with:

(A) a normal operating speed of 10 miles per hour or less; or

(B) a vertical body or load clearance of less than one-half inch per foot of the distance between two adjacent axles or less than nine inches measured above the level surface of a roadway.

(b) An operator of a vehicle or equipment may not move on or across a track at a railroad grade crossing unless the operator has given notice to a station agent of the railroad and given the railroad reasonable time to provide proper protection at the crossing.

(c) To move a vehicle or equipment on or across a track at a railroad grade crossing, the operator:

(1) shall stop the vehicle or equipment not closer than 15 feet or farther than 50 feet from the nearest rail of the railroad;

(2) while stopped, shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train; and

(3) may not proceed until it is safe to cross the track.

(d) An operator of a vehicle or equipment may not cross a track...
railroad grade crossing when warning of the immediate approach of a railroad car or train is given by automatic signal, crossing gates, a flagger, or otherwise. If a flagger is provided by the railroad, the operator shall move the vehicle or equipment over the crossing at the flagger's direction. (V.A.C.S. Art. 6701d, Sec. 90.)

Sec. 90. (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two (2) adjacent axles or in any event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Sec. 92. The driver of a vehicle within a business or residence district shall:

(1) stop the vehicle before moving on a sidewalk or the sidewalk area extending across an alley or driveway;

(2) yield the right-of-way to a pedestrian to avoid collision; and

(3) on entering the roadway, yield the right-of-way to an approaching vehicle. (V.A.C.S. Art. 6701d, Sec. 92.)

Sec. 545.256. EMERGING FROM AN ALLEY, DRIVEWAY, OR BUILDING. An operator emerging from an alley, driveway, or building in a business or residence district shall:

(1) stop the vehicle before moving on a sidewalk or the sidewalk area extending across an alley or driveway;

(2) yield the right-of-way to a pedestrian to avoid collision; and

(3) on entering the roadway, yield the right-of-way to an approaching vehicle. (V.A.C.S. Art. 6701d, Sec. 92.)
business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley way or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

[Sections 545.257-545.300 reserved for expansion]

SUBCHAPTER G. STOPPING, STANDING, AND PARKING

Revised Law
Sec. 545.301. STOPPING, STANDING, OR PARKING OUTSIDE A BUSINESS OR RESIDENCE DISTRICT. (a) An operator may not stop, park, or leave standing an attended or unattended vehicle on the main traveled part of a highway outside a business or residence district unless:

(1) stopping, parking, or leaving the vehicle off the main traveled part of the highway is not practicable;

(2) a width of highway beside the vehicle is unobstructed and open for the passage of other vehicles; and

(3) the vehicle is in clear view for at least 200 feet in each direction on the highway.

(b) This section does not apply to an operator of a vehicle that is disabled while on the paved or main traveled part of a highway if it is impossible to avoid stopping and temporarily leaving the vehicle on the highway. (V.A.C.S. Art. 6701d, Sec. 93.)

Source Law
Sec. 93. (a) A person may not stop, park, or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of a highway outside of a business or residence district unless:

(1) it is not practicable to stop, park, or so leave such vehicle off such part of said highway;

(2) an unobstructed width of the highway opposite a standing vehicle is left for the free passage of other vehicles; and

(3) a clear view of such stopped vehicle is available from a distance of two hundred (200) feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping
and temporarily leaving such disabled vehicle in such position.

Revised Law

Sec. 545.302. STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES. (a) An operator may not stop, stand, or park a vehicle:

(1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
(2) on a sidewalk;
(3) in an intersection;
(4) on a crosswalk;
(5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
(6) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
(7) on a bridge or other elevated structure on a highway or in a highway tunnel;
(8) on a railroad track; or
(9) where an official sign prohibits stopping.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

(1) in front of a public or private driveway;
(2) within 15 feet of a fire hydrant;
(3) within 20 feet of a crosswalk at an intersection;
(4) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
(5) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly
marked with a sign; or

(6) where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

(1) within 50 feet of the nearest rail of a railroad crossing; or

(2) where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A municipality may adopt an ordinance exempting a private vehicle operated by an elevator constructor responding to an elevator emergency from Subsections (a)(1), (a)(5), (a)(6), (a)(9), (b), and (c).

(f) Subsections (a), (b), and (c) do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device. (V.A.C.S. Art. 6701d, Secs. 95(a), (c), (d).)

Source Law

Sec. 95. (a) Except as provided by Subsections (c) and (d) of this section and except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(A) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(B) On a sidewalk;

(C) Within an intersection;

(D) On a crosswalk;

(E) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the governing body of any incorporated city, town or village indicates a different length by signs or markings;

(F) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(H) On any railroad track;
(1) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
(A) In front of a public or private driveway;
(B) Within fifteen (15) feet of a fire hydrant;
(C) Within twenty (20) feet of a crosswalk at an intersection;
(D) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
(E) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign-posted);
(F) At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
(A) Within fifty (50) feet of the nearest rail of a railroad crossing;
(B) At any place where official signs prohibit parking.

(c) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(d) A municipality may adopt an ordinance exempting private vehicles operated by elevator constructors responding to an elevator emergency from the restrictions of Subsections (a)(1)(A), (E), (F), and (I), (2), and (3) of this section.

Revisor's Note
Section 95, V.A.C.S. Article 6701d, refers to an "incorporated city, town or village." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city," "town," and "village" because that is the term used in the Local Government Code.

Revised Law
Sec. 545.303. ADDITIONAL PARKING REGULATIONS. (a) An operator who stops or parks on a two-way roadway shall do so with the right-hand wheels of the vehicle parallel to and within 18
1 inches of the right-hand curb or edge of the roadway.
2
3 (b) An operator who stops or parks on a one-way roadway
4 shall stop or park the vehicle parallel to the curb or edge of the
5 roadway in the direction of authorized traffic movement with the
6 right-hand wheels within 18 inches of the right-hand curb or edge
7 of the roadway or the left-hand wheels within 18 inches of the
8 left-hand curb or edge of the roadway. This subsection does not
9 apply where a local ordinance otherwise regulates stopping or
10 parking on the one-way roadway.
11
12 (c) A local authority by ordinance may permit angle parking
13 on a roadway. This subsection does not apply to a federal-aid or
14 state highway unless the director of the Texas Department of
15 Transportation determines that the roadway is wide enough to
16 permit angle parking without interfering with the free movement of
17 traffic.
18
19 (d) The Texas Department of Transportation, on a highway
20 under the jurisdiction of that department, may place signs
21 prohibiting or restricting the stopping, standing, or parking of a
22 vehicle on the highway where the director of the Texas Department
23 of Transportation determines that stopping, standing, or parking is
24 dangerous to, or would unduly interfere with, the free movement of
25 traffic on the highway. (V.A.C.S. Art. 6701d, Sec. 96.)
26
27 Source Law
28
29 Sec. 96. (a) Except as otherwise provided in
30 this section, every vehicle stopped or parked upon a
31 two-way roadway shall be so stopped or parked with the
32 right-hand wheels parallel to and within eighteen (18)
33 inches of the right-hand curb or edge of the roadway.
34
35 (b) Except when otherwise provided by local
36 ordinance, every vehicle stopped or parked upon a
37 one-way roadway shall be so stopped or parked parallel
38 to the curb or edge of the roadway, in the direction of
39 authorized traffic movement, with its right-hand wheels
40 within eighteen (18) inches of the right-hand curb or
41 edge of the roadway, or its left-hand wheels within
42 eighteen (18) inches of the left-hand curb or edge of
43 the roadway.
44
45 (c) Local authorities may by ordinance permit
46 angle parking on any roadway, except that angle parking
47 shall not be permitted on any Federal-aid or State
48 highway unless the State Highway Engineer has
49 determined that the roadway is of sufficient width to
50 permit angle parking without interfering with the free
51 movement of traffic.
(d) The State Highway Department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in the opinion of the State Highway Engineer, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Revisor's Note

(1) Section 96, V.A.C.S. Article 6701d, refers to the "State Highway Engineer." The revised law substitutes "director of the Texas Department of Transportation" for "State Highway Engineer" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 96, V.A.C.S. Article 6701d, refers to the "State Highway Department." The revised law substitutes "Texas Department of Transportation" for "State Highway Department" for the reason stated in the revisor's note to Section 201.003 of this code.

(3) Section 96(a), V.A.C.S. Article 6701d, states: "Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or edge of the roadway." The revised law omits "Except as otherwise provided in this section" as unnecessary.

(4) Section 96(d), V.A.C.S. Article 6701d, gives the Texas Department of Transportation the authority to place certain signs on certain roadways and states that "[s]uch signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs." The revised law omits the quoted sentence as unnecessary because
the requirement that the driver of a vehicle obey the
prohibition or restriction stated on the signs is
provided by Section 544.004 of this code.

Revised Law
Sec. 545.304. MOVING THE VEHICLE OF ANOTHER; UNLAWFUL
PARKING. A person may not move a vehicle that is not lawfully
under the person's control:
(1) into an area where a vehicle is prohibited under
Section 545.302; or
(2) away from a curb a distance that is unlawful under
Section 545.303. (V.A.C.S. Art. 6701d, Sec. 95(b).)

Source Law
(b) No person shall move a vehicle not lawfully
under his control into any such prohibited area or away
from a curb such a distance as is unlawful.

Revised Law
Sec. 545.305. REMOVAL OF UNLAWFULLY STOPPED VEHICLE. (a) A
peace officer listed under Article 2.12, Code of Criminal
Procedure, or a license and weight inspector of the department may
remove or require the operator or a person in charge of a vehicle
to move a vehicle from a highway if the vehicle:
(1) is unattended on a bridge, viaduct, or causeway or
in a tube or tunnel and the vehicle is obstructing traffic;
(2) is unlawfully parked and blocking the entrance to
a private driveway;
(3) has been reported as stolen;
(4) is identified as having been stolen in a warrant
issued on the filing of a complaint;
(5) is unattended and the officer has reasonable
grounds to believe that the vehicle has been abandoned for longer
than 48 hours;
(6) is disabled so that normal operation is impossible
or impractical and the owner or person in charge of the vehicle is:
(A) incapacitated and unable to provide for the vehicle's removal or custody; or
(B) not in the immediate vicinity of the vehicle;
(7) is disabled so that normal operation is impossible or impractical and the owner or person in charge of the vehicle does not designate a particular towing or storage company;
(8) is operated by a person an officer arrests for an alleged offense and the officer is required by law to take the person into custody; or
(9) is, in the opinion of the officer, a hazard, interferes with a normal function of a governmental agency, or because of a catastrophe, emergency, or unusual circumstance is imperiled.
(b) An officer acting under Subsection (a) may require that the vehicle be taken to:
(1) the nearest garage or other place of safety;
(2) a garage designated or maintained by the governmental agency that employs the officer; or
(3) a position off the paved or main traveled part of the highway.
(c) A law enforcement agency other than the department that removes an abandoned vehicle in an unincorporated area shall notify the sheriff.
(d) The owner of a vehicle that is removed or stored under this section is liable for all reasonable towing and storage fees incurred.
(e) In this section:
(1) "Towing company" means an individual, corporation, partnership, or other association engaged in the business of towing vehicles on a highway for compensation or with the expectation of compensation for the towing or storage of the vehicles and includes the owner, operator, employee, or agent of a towing company.
(2) "Storage company" means an individual,
1 corporation, partnership, or other association engaged in the
2 business of storing or repairing vehicles for compensation or with
3 the expectation of compensation for the storage or repair of
4 vehicles and includes the owner, operator, employee, or agent of a
5 storage company. (V.A.C.S. Art. 6701d, Secs. 94(a), (b), (c),
6 (e).)

Source Law

Sec. 94. (a) Any commissioned member of the
9 Department of Public Safety or a peace officer listed
10 under Article 2.12, Code of Criminal Procedure, is
11 hereby authorized to remove, or to require the driver
12 or other person in charge of a vehicle to remove, a
13 vehicle from a highway, street, or road to the nearest
14 garage or other place of safety, to a garage designated
15 or maintained by the governmental agency by which the
16 officer is employed, or to a position off the paved or
17 main-traveled part of the highway, street, or road, when
18
19 (1) any vehicle is left unattended upon
20 any bridge, viaduct or causeway, or in any tube or
21 tunnel where such vehicle constitutes an obstruction to
22 traffic;
23 (2) any vehicle is illegally parked so as to
24 block the entrance to any private driveway;
25 (3) any vehicle is found upon a highway
26 and report has previously been made that such vehicle
27 has been stolen or complaint has been filed and a
28 warrant thereon issued charging that such vehicle has
29 been stolen;
30 (4) any such officer has reasonable
31 grounds to believe that any vehicle has been abandoned
32 for more than 48 hours;
33 (5) a vehicle upon a highway, street, or
34 road is so disabled that its normal operation is
35 impossible or impractical and the owner or person in
36 charge of the vehicle is incapacitated by reason of
37 physical injury or other reason to such an extent as to
38 be unable to provide for its removal or custody, or is
39 not in the immediate vicinity of the disabled vehicle;
40 (6) a vehicle upon a highway, street, or
41 road is so disabled that its normal operation is
42 impossible or impractical and the owner or person in
43 charge of the vehicle does not designate a particular
44 towing or storage company;
45 (7) an officer arrests any person driving
46 or in control of a vehicle for an alleged offense and
47 such officer is by this code or other law required to
48 take the person arrested into custody; or
49 (8) in the opinion of the officer, the
50 said vehicle constitutes a hazard, or interferes with a
51 normal function of a governmental agency, or by reason
52 of any catastrophe, emergency or unusual circumstance
53 the safety of said vehicle is imperiled.
54 (b) Any law enforcement agency other than the
55 Department of Public Safety removing an abandoned
56 vehicle in an unincorporated area shall notify the
57 county sheriff.
(c) The owner of a vehicle that is removed or
59 stored under this section is liable for all reasonable
60 towing and storage fees incurred in the removal or
storage.

(e) In this section:

(1) "Towing company" means an individual, corporation, partnership, or other association that is engaged in the business of towing vehicles on a public highway for compensation or with the expectation of compensation for the towing or storage of vehicles. The term includes the owner, operator, employee, or agent of a towing company.

(2) "Storage company" means an individual, corporation, partnership, or other association that is engaged in the business of storing or repairing vehicles for compensation or with the expectation of compensation for the storage or repair of vehicles. The term includes the owner, operator, employee, or agent of a storage company.

Revisor's Note

(1) Section 94(a), V.A.C.S. Article 6701d, refers to a "commissioned member of the Department of Public Safety or a peace officer listed under Article 2.12, Code of Criminal Procedure." The revised law omits the reference to "commissioned member of the Department of Public Safety" because under Article 2.12(4), Code of Criminal Procedure, an officer commissioned by the Public Safety Commission and the public safety director is a peace officer.

(2) Section 94(a), V.A.C.S. Article 6701d, refers to a "highway, street, or road." The revised law omits "street" because "highway" and "street" have the same meaning under Section 541.302 of this code, and a reference to both is unnecessary. The revised law omits "road" because that term is included as a "public . . . way" in the definition of "highway."

(3) Section 94(e)(1), V.A.C.S. Article 6701d, refers to a "public highway." The revised law omits "public" as unnecessary because Section 541.302 of this code defines "highway" as a "way any part of which is open to the public."
Sec. 545.306. REGULATION OF TOWING COMPANIES IN CERTAIN COUNTIES. (a) The commissioners court of a county with a population of 2.2 million or more shall by ordinance provide for the licensing of or the granting of a permit to a person to remove or store a vehicle authorized by Section 545.305 to be removed in an unincorporated area of the county. The ordinance must include rules to ensure the protection of the public and the safe and efficient operation of towing and storage services in the county. The sheriff shall determine the rules included in the ordinance with the review and consent of the commissioners court.

(b) The commissioners court shall set the fee for the license or permit in an amount that reasonably offsets the costs of enforcing the ordinance. The commissioners court shall use each license or permit fee to pay salaries and expenses of the sheriff's office for conducting inspections to determine compliance with the ordinance and laws relating to dealers in scrap metal and salvage.

(V.A.C.S. Art. 6701d, Sec. 94(d).)

Source Law

(d) The commissioners court of a county with a population of not less than 2.2 million, according to the most recent federal decennial census, shall by ordinance provide for licensing or granting permits to persons who wish to remove or store vehicles under this section in the unincorporated areas of the county. The ordinance must include rules, as determined by the county sheriff with the review and consent of the commissioners court, necessary to ensure the protection of the public and the safe and efficient operation of towing and storage services in the county. The commissioners court shall set the fee for a license or permit in an amount that is reasonably calculated to offset the costs of enforcing the ordinance. The commissioners court shall deposit all fees collected under the license or permit program in the county treasury, for use only for salaries and expenses of the county sheriff's office for conducting inspections for determining compliance with the ordinance and other laws relating to dealers in scrap metal and salvage.

Revisor's Note

Section 94(d), V.A.C.S. Article 6701d, describes a population number that is to be determined according
to the most recent federal decennial census. The revised law omits the reference to the federal census because the reference is unnecessary. Section 311.005(3), Government Code (Code Construction Act), and Section 312.011(20), Government Code, define "population" as population according to the most recent federal decennial census. That definition applies to the revised law.

[Sections 545.307-545.350 reserved for expansion]

SUBCHAPTER H. SPEED RESTRICTIONS

Revised Law

Sec. 545.351. MAXIMUM SPEED REQUIREMENT. (a) An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing.

(b) An operator:

(1) may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to actual and potential hazards then existing; and

(2) shall control the speed of the vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care.

(c) An operator shall, consistent with Subsections (a) and (b), drive at an appropriate reduced speed if:

(1) the operator is approaching and crossing an intersection or railroad grade crossing;

(2) the operator is approaching and going around a curve;

(3) the operator is approaching a hill crest;

(4) the operator is traveling on a narrow or winding roadway; and

(5) a special hazard exists with regard to traffic, including pedestrians, or weather or highway conditions. (V.A.C.S.

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Art. 6701d, Secs. 166(a) (part), (b), (c).)

Source Law

Sec. 166. (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances then existing...

(b) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (b), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Reviser's Note

(1) Sections 166(a) and (b), V.A.C.S. Article 6701d, refer to a vehicle "on a highway." The revised law omits the quoted language as unnecessary because Section 21, V.A.C.S. Article 6701d, revised in this code as Section 542.001, states that as a general rule this subtitle applies only to a vehicle that is operated on a highway.

(2) Section 166(b), V.A.C.S. Article 6701d, requires the driver of a vehicle to control the speed of the vehicle to avoid colliding with any person, vehicle, "or other conveyance." The revised law omits "or other conveyance" as unnecessary because that term is included in the meaning of "vehicle."

Revised Law

Sec. 545.352. PRIMA FACIE SPEED LIMITS. (a) A speed in excess of the limits established by Subsection (b) or under another provision of this subchapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.
(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;

(2) 70 miles per hour in daytime and 65 miles per hour in nighttime if the vehicle is a passenger car or motorcycle on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(3) 60 miles per hour in daytime and 55 miles per hour in nighttime if the vehicle is a passenger car or motorcycle on a highway that is outside an urban district and not a highway numbered by this state or the United States;

(4) 60 miles per hour outside an urban district if a speed limit for the vehicle is not otherwise specified by this section; or

(5) outside an urban district:

(A) 45 miles per hour, if the vehicle is towing a house trailer of an actual or registered gross weight heavier than 4,500 pounds or larger than 32 feet, excluding the tow bar;

(B) 50 miles per hour if the vehicle is a school bus; or

(C) 60 miles per hour in daytime and 55 miles per hour in nighttime if the vehicle is a truck, other than a light truck, or if the vehicle is a truck tractor, trailer, or semitrailer, or a vehicle towing a trailer, semitrailer, another motor vehicle or house trailer of an actual or registered gross weight lighter than 4,500 pounds and a length of 32 feet or shorter, excluding the tow bar.

(c) The speed limits for a bus or other vehicle engaged in the business of transporting passengers for compensation or hire, for a commercial vehicle used as a highway post office vehicle for highway post office service in the transportation of United States mail, and for a light truck are the same as required for a
passenger car at the same time and location.

(d) In this section:

(1) "Light truck" means a truck with a manufacturer's rated carrying capacity of not more than 2,000 pounds, including a pick-up truck, panel delivery truck, and carry-all truck.

(2) "Urban district" means the territory adjacent to and including a highway, if the territory is improved with structures that are used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the highway.

(V.A.C.S. Art. 6701d, Sec. 166(a) (part).)

Source Law

(a) ... Except when a special hazard exists that requires lower speeds for compliance with paragraph (b) of this Section, the limits specified in this Section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Thirty (30) miles per hour in any urban district, except as provided by Subdivision 1A of this paragraph;

1A. Fifteen (15) miles per hour on an alley;

2. Seventy (70) miles per hour during the daytime and sixty-five (65) miles per hour during the nighttime for any passenger car, motorcycle, or motor-driven cycle on any State or Federal numbered highway outside any urban district, including farm-and/or ranch-to-market roads, and sixty (60) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime for any passenger car, motorcycle, or motor-driven cycle on all other highways outside any urban district;

3. Sixty (60) miles per hour for all other vehicles on any highway outside any urban district;

4. The speed limits for any bus or other vehicle engaged in this State in the business of transporting passengers for compensation or hire, for any commercial vehicle which is in authorized use as a "Highway Post Office" vehicle furnishing Highway Post Office service in the transportation of the United States mail, and for any light truck, as described in Subdivision 5 of this subsection, shall be the same as prescribed for passenger cars at the same location.

5. The above limitations notwithstanding, the following prima facie maximum limits are declared, for any highway outside any urban district;

a. Forty-five (45) miles per hour for any vehicle towing any house trailer of actual or registered gross weight exceeding four thousand, five hundred (4,500) pounds or with an over-all length exceeding thirty-two (32) feet, excluding the tow bar.

b. Sixty (60) miles per hour in
daytime and fifty-five (55) miles per hour during
nighttime for any truck, except light trucks as
described in this Subdivision 5, truck tractor, trailer
or semitrailer, or for any vehicle towing any trailer,
semitrailer, another motor vehicle, or any house
trailer of actual or registered gross weight, less than
four thousand, five hundred (4,500) pounds and over-all
length of thirty-two (32) feet or less, excluding the
tow bar.

c. Fifty (50) miles per hour for any
school bus.

"Urban District" means the territory contiguous
to and including any highway or street which is built
up with structures devoted to business, industry or
dwelling houses, situated at intervals of less than one
hundred (100) feet for a distance of one-quarter (1/4)
of a mile or more on either side.

"Light truck" means any truck, as defined in this
Act, with a manufacturer's rated carrying capacity not
to exceed two thousand (2,000) pounds and is intended
to include those trucks commonly known as pick-up
trucks, panel delivery trucks and carry-all trucks.

Revisor's Note
(1) Section 166(a), V.A.C.S. Article 6701d,
refers to a "motorcycle or motor-driven cycle." The
revised law omits the reference to "motor-driven cycle"
because "motorcycle" includes a "motor-driven cycle"
under Section 541.201 of this code.

(2) Section 166(a), V.A.C.S. Article 6701d,
provides in part that the limits set under that section
are subject to change under Sections 167, 168, and 169
of that article. That provision is omitted as
unnecessary because those sections, revised in this
code as Sections 545.353-545.360, provide that a speed
limit set under those sections prevails and is the
prima facie limit where applicable. The omitted
provision reads:

The maximum speed limits set forth in
this Section may be altered as authorized
in Sections 167, 168 and 169.

Revised Law
Sec. 545.353. AUTHORITY OF TEXAS TRANSPORTATION COMMISSION
TO ALTER SPEED LIMITS. (a) If the Texas Transportation Commission
determines from the results of an engineering and traffic investigation that a prima facie speed limit in this subchapter is unreasonable or unsafe on a part of the highway system, the commission, by order recorded in its minutes, and except as provided in Subsection (d), may determine and declare:

(1) a reasonable and safe prima facie speed limit; and
(2) another reasonable and safe speed because of wet or inclement weather.

(b) In determining whether a prima facie speed limit on a part of the highway system is reasonable and safe, the commission shall consider the width and condition of the pavement, the usual traffic at the affected area, and other circumstances.

(c) A prima facie speed limit that is declared by the commission under this section is effective when the commission erects signs giving notice of the new limit. A new limit that is enacted for a highway under this section is effective at all times or at other times as determined.

(d) The commission may not:

(1) modify the rules established by Section 545.351(b);
(2) establish a speed limit of more than 70 miles per hour; or
(3) increase the speed limit for a vehicle described by Section 545.352(b)(5).

(e) The commission, in conducting the engineering and traffic investigation specified by Subsection (a), shall follow the procedure for establishing speed zones as adopted by the commission. The commission may revise the procedure to accommodate technological advancement in traffic operation, the design and construction of highways and motor vehicles, and the safety of the motoring public.

(f) The commission's authority to alter speed limits applies:

(1) to any part of a highway officially designated or
marked by the commission as part of the state highway system; and

(2) both inside and outside the limits of a municipality, including a home-rule municipality, for a limited-access or controlled-access highway.

(g) For purposes of this section, "wet or inclement weather" means a condition of the roadway that makes driving on the roadway unsafe and hazardous and that is caused by precipitation, including water, ice, and snow. (V.A.C.S. Art. 6701d, Secs. 167(a), (b), (c).)

Source Law

Sec. 167. (a) Whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that any prima facie maximum speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the highway system, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway as well as the usual traffic thereon, said State Highway Commission may determine and declare a reasonable and safe prima facie maximum speed limit thereat or thereon, and another reasonable and safe speed when conditions caused by wet or inclement weather require it, by proper order of the Commission entered on its minutes, which limits, when appropriate signs giving notice thereof are erected, shall be effective at such intersection or other place or part of the highway system at all times or during hours of daylight or darkness, or at such other times as may be determined; provided, however, that said State Highway Commission shall not have the authority to modify or alter the rules established in Paragraph (b) of Section 166, nor to establish a speed limit higher than seventy (70) miles per hour; and provided further that the speed limits for vehicles described in Paragraphs a, b, and c of Subdivision 5 of Subsection (a) of Section 166 shall not be increased.

By wet or inclement weather is meant conditions of the pavement or roadway caused by precipitation, water, ice or snow which make driving thereon unsafe and hazardous.

(b) The authority of the State Highway Commission to alter maximum speed limits shall exist with respect to any part of any highway, road or street officially designated or marked by the State Highway Commission as part of the State Highway System. Also, this authority shall exist both within and without the limits of an incorporated city, town or village, including Home Rule Cities, with respect to highways declared to be limited-access or controlled-access highways as defined by this Act.

(c) The State Highway Commission shall, in conducting the engineering and traffic investigation specified in paragraph (a) of Section 167, follow its "Procedure for Establishing Speed Zones" which is in use on the effective date of this Act and as same may
be subsequently revised for reasons of technological advancements in traffic operation, design and construction of highways and motor vehicles, as well as the safety of the motoring public.

Revisor's Note

(1) Section 167, V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

(2) Section 167(a), V.A.C.S. Article 6701d, refers to the commission's authority to determine and declare reasonable and safe speed limits "at any intersection or other place or upon any part of the highway system." The revised law substitutes "a part of the highway system" for the quoted phrase because "highway system" includes all of those locations.

(3) Section 167(a), V.A.C.S. Article 6701d, refers to the effectiveness of a prima facie speed limit "at all times or during hours of daylight or darkness, or at such other times as may be determined." The revised law deletes "during hours of daylight or darkness" as unnecessary because those hours may be specified at other times as determined.

(4) Section 167(a), V.A.C.S. Article 6701d, refers to "Paragraphs a, b, and c of Subdivision 5 of Subsection (a) of Section 166." Those paragraphs are revised in this code as Section 545.352(b)(5), and the revised law is drafted accordingly.

(5) Section 167(b), V.A.C.S. Article 6701d, refers to an "incorporated city, town or village." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city, town or village" because that
is the term used in the Local Government Code.

(6) Section 167(b), V.A.C.S. Article 6701d, refers to "any highway, road or street." The revised law omits "street" because "highway" and "street" have the same meaning under Section 541.302 of this code, and a reference to both is unnecessary. The revised law omits "road" because that term is included as a "public ... way" in the definition of "highway."

(7) Section 167(c), V.A.C.S. Article 6701d, refers to the commission's duty to follow the procedure for establishing speed zones "which is in use on the effective date of this Act." The revised law omits "which is in use on the effective date of this Act" as unnecessary because the remaining provisions in Section 167(c) give the commission the authority to revise subsequently its procedures for establishing speed zones.

**Revised Law**

Sec. 545.354. AUTHORITY OF TEXAS TURNPIKE AUTHORITY TO ALTER SPEED LIMITS ON TURNPIKE PROJECTS. (a) If the Texas Turnpike Authority determines from the results of an engineering and traffic investigation that a prima facie speed limit described in this subchapter is unreasonable or unsafe on a part of a turnpike constructed and maintained by the authority, the authority by order recorded in its minutes shall determine and declare a reasonable and safe prima facie speed limit for vehicles or classes of vehicles on the turnpike.

(b) In determining whether a prima facie speed limit on a part of a turnpike constructed and maintained by the authority is reasonable or safe, the authority shall consider the width and condition of the pavement, the usual traffic on the turnpike, and other circumstances.

(c) A prima facie speed limit that is declared by the
authority in accordance with this section is effective when the
authority erects signs giving notice of the new limit. A new limit
that is adopted for a turnpike project constructed and maintained
by the authority in accordance with this section is effective at
all times or at other times as determined.

(d) The authority's power to alter prima facie speed limits
is effective and exclusive on any part of a turnpike project
constructed and maintained by the authority inside and outside the
limits of a municipality, including a home-rule municipality.

(e) Sections 545.353 and 545.355-545.359 do not apply to any
part of a turnpike project constructed and maintained by the
authority and covered under Subsection (d) unless a turnpike
constructed by the authority becomes part of the state highway
system, in which event the Texas Transportation Commission has the
sole authority to alter prima facie speed limits on the turnpike
project.

(f) The authority may not:

(1) alter the general rule established by Section
545.351(a); or

(2) establish a speed limit of more than 70 miles per
hour.

(g) The authority, in conducting the engineering and traffic
investigation specified by Subsection (a), shall follow the
procedure for establishing speed zones adopted by the Texas
Department of Transportation. (V.A.C.S. Art. 6701d, Sec. 168.)

Source Law

Sec. 168. (a) Whenever the Texas Turnpike
Authority shall determine upon the basis of an
engineering and traffic investigation that any maximum
prima facie speed limit hereinbefore set forth is
greater or less than is reasonable or safe under the
conditions found to exist at any intersection or other
place or upon any part of a turnpike constructed and
maintained by it, taking into consideration the width
and condition of the pavement and other circumstances
on such portion of said turnpike as well as the usual
traffic thereon, the Legislature hereby directs the
Texas Turnpike Authority to determine and declare a
reasonable and safe maximum prima facie speed limit
thereat or thereon, by proper order of the Authority
entered on its minutes, for all vehicles or for any
class or classes of vehicles hereinabove established,
which limit, when appropriate signs giving notice
thereof are erected, shall be effective at such
intersections or other places or part of the highway at
all times or during hours of daylight or darkness, or
at such other times as may be determined.

(b) The authority of the Texas Turnpike
Authority to alter maximum prima facie speed limits
shall be effective upon any part of any turnpike
project constructed and maintained by it pursuant to
House Bill No. 4, Chapter 410, Acts of 1953,
Fifty-third Legislature, Regular Session, codified as
Article 6674v, Vernon's Revised Civil Statutes of
Texas, as same may be amended, both within and without
the corporate limits of any incorporated city, town or
village, including Home Rule Cities. Such authority
shall be exclusive with respect to any such project,
and the authorities prescribed in Sections 167 and 169
shall not apply upon any part of any such turnpike
project; provided, however, that should any turnpike
constructed by the Texas Turnpike Authority ever become
a part of the designated State Highway System, the
State Highway Commission shall then have the sole
authority to alter maximum prima facie speed limits
thereon as prescribed in Section 167. The Texas
Turnpike Authority shall not have the authority to
alter the basic rule established in paragraph (a) of
Section 166 nor to establish a speed limit higher than
seventy (70) miles per hour.

(c) The Texas Turnpike Authority shall, in
conducting the engineering and traffic investigations
specified in paragraph (a) of Section 168, following
the "Procedure for Establishing Speed Zones" prepared
by the Texas Highway Department which is in use on the
effective date of this Act and as same may be
subsequently revised for reasons of technological
advancements in traffic operation, design and
construction of highways and motor vehicles, as well as
the safety of the motoring public.

Revisor's Note

(1) Section 168, V.A.C.S. Article 6701d, refers
to the authority's power to determine and declare a
reasonable and safe prima facie speed limit "at any
intersection or other place or upon any part of a
turnpike." The revised law substitutes "turnpike" or
"turnpike project" for "intersection or other place or
part of a turnpike" because "turnpike" and "turnpike
project" include intersections and parts of turnpikes.

(2) Section 168, V.A.C.S. Article 6701d, refers
to the effectiveness of a prima facie speed limit
"during hours of daylight or darkness." The revised
law omits "during hours of daylight or darkness" as
unnecessary for the reason stated in Reviser's Note (3) to Section 545.353 of this code.

(3) Section 168(b), V.A.C.S. Article 6701d, refers to an "incorporated city, town or village, including Home Rule Cities." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city, town or village" because that is the term used in the Local Government Code.

(4) Section 168(b), V.A.C.S. Article 6701d, states that the authority's power "to alter maximum prima facie speed limits shall be effective upon any part of any turnpike project constructed and maintained by it pursuant to House Bill No. 4, Chapter 410, Acts of 1953, Fifty-third Legislature, Regular Session, codified as Article 6674v, Vernon's Revised Civil Statutes of Texas, as same may be amended." The revised law omits the specific reference to House Bill No. 4 as unnecessary.

(5) Section 168(b), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

(6) Section 168(c), V.A.C.S. Article 6701d, refers to the "Texas Highway Department." The revised law substitutes "Texas Department of Transportation" for "Texas Highway Department" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 545.355. AUTHORITY OF COUNTY COMMISSIONERS COURT TO ALTER SPEED LIMITS. (a) The commissioners court of a county, for
a county road or highway outside the limits of the right-of-way of
an officially designated or marked highway or road of the state
highway system and outside a municipality, has the same authority
to alter prima facie speed limits from the results of an
engineering and traffic investigation as the Texas Transportation
Commission on an officially designated or marked highway of the
state highway system. The commissioners court may not modify the
rule established by Section 545.351(a) or establish a speed limit
of more than 60 miles per hour.

(b) The commissioners court may modify a prima facie speed
limit in accordance with this section only by an order entered on
its records. (V.A.C.S. Art. 6701d, Sec. 169(a).)

Source Law

Sec. 169. (a) The County Commissioners Court of
any county with respect to county highways or roads
outside the limits of the right-of-way of any
officially designated or marked highway, road or street
of the State Highway System and outside the limits of
any incorporated city, town or village shall have the
same authority by order of the County Commissioners
Court entered upon its records to alter maximum prima
facie speed limits upon the basis of an engineering and
traffic investigation as that delegated to the State
Highway Commission with respect to any officially
designated or marked highway, road or street of the
State Highway System; provided that under no
circumstances shall any County Commissioners Court have
the authority to modify or alter the basic rule
established in paragraph (a) of Section 166 nor to
establish a speed limit higher than sixty (60) miles
per hour.

Reviser's Note

(1) Section 169(a), V.A.C.S. Article 6701d,
refers to an "incorporated city, town or village." The
revised law omits "incorporated" because under the
Local Government Code all municipalities must be
incorporated. The revised law also substitutes
"municipality" for "city, town or village" because that
is the term used in the Local Government Code.

(2) Section 169(a), V.A.C.S. Article 6701d,
refers to the "State Highway Commission." The revised
law substitutes "Texas Transportation Commission" for
"State Highway Commission" for the reason stated in the
revisor's note to Section 201.003 of this code.

(3) Section 169(a), V.A.C.S. Article 6701d,
refers to "paragraph (a) of Section 166." The relevant
part of that paragraph is revised in this code as
Section 545.351(a). The revised law throughout this
subchapter is drafted accordingly.

Revised Law

Sec. 545.356. AUTHORITY OF MUNICIPALITY TO ALTER SPEED
LIMITS. (a) The governing body of a municipality, for a highway
or part of a highway in the municipality, including a highway of
the state highway system, has the same authority to alter by
ordinance prima facie speed limits from the results of an
engineering and traffic investigation as the Texas Transportation
Commission on an officially designated or marked highway of the
state highway system. The governing body of a municipality may not
modify the rule established by Section 545.351(a) or establish a
speed limit of more than 60 miles per hour.

(b) The governing body of a municipality, for a highway or
part of a highway in the municipality, including a highway of the
state highway system, has the same authority to alter prima facie
speed limits from the results of an engineering and traffic
investigation as the commission for an officially designated or
marked highway of the state highway system, when the highway or
part of the highway is under repair, construction, or maintenance.
A municipality may not modify the rule established by Section
545.351(a) or establish a speed limit of more than 60 miles per
hour.

(c) A prima facie speed limit that is altered by the
governing body of a municipality under Subsection (b) is effective
when the governing body erects signs giving notice of the new limit
and at all times or at other times as determined. (V.A.C.S.

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(b) The governing body of an incorporated city, town, or village with respect to any highway, street or part of a highway or street, including those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority by city ordinance to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road or street of the State Highway System; provided that under no circumstances shall any such governing body have the authority to modify or alter the basic rule established in paragraph (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour . . .

(c) An incorporated city, town, or village with respect to any highway, street, or part of a highway or street, including those marked as a route of a highway of the State Highway System, within its corporate limits, shall have the same authority to alter maximum prima facie speed limits upon the basis of an engineering and traffic investigation as that delegated to the State Highway Commission with respect to any officially designated or marked highway, road, or street of the State Highway System, when the highway, street, or part of a highway or street, including those marked as a route of a highway of the State Highway System, is under repair, construction, or maintenance, which limits, when appropriate signs giving notice of the limits are erected, shall be effective at that highway, street, or part of a highway or street, including those marked as a route of a highway of the State Highway System at all times or during hours of daylight or darkness, or at other times as may be determined; provided that under no circumstances may any governing body have the authority to modify or alter the basic rule established in Subsection (a) of Section 166, nor to establish a speed limit higher than sixty (60) miles per hour . . .

Revisor's Note

(1) Section 169, V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

(2) Section 169(c), V.A.C.S. Article 6701d, refers to the effectiveness of a prima facie speed limit "during hours of daylight or darkness." The revised law deletes "during hours of daylight or
darkness" as unnecessary for the reason stated in
Reviser's Note (3) to Section 545.353 of this code.

(3) Sections 169(b) and (c), V.A.C.S. Article
6701d, refer to an "incorporated city, town or
village." The revised law omits "incorporated" because
under the Local Government Code all municipalities must
be incorporated. The revised law also substitutes
"municipality" for "city, town or village" because that
is the term used in the Local Government Code.

Revised Law

Sec. 545.357. PUBLIC HEARING TO CONSIDER SPEED LIMITS WHERE
CERTAIN SCHOOLS ARE LOCATED. (a) The governing body of a
municipality in which a public or private elementary or secondary
school is located shall on request hold a public hearing at least
once each calendar year to consider prima facie speed limits on a
highway in the municipality, including a highway of the state
highway system, near the school.

(b) If a county road outside the state highway system is
located within 500 feet of a public or private elementary or
secondary school that is not in a municipality, the commissioners
court of the county on request shall hold a public hearing at least
once each calendar year to consider the prima facie speed limit on
the road near the school.

(c) A municipal governing body or commissioners court on
request may hold one public hearing for all public and private
elementary and secondary schools in its jurisdiction.

(d) The Texas Transportation Commission, on request, shall
hold a public hearing at least once each calendar year to consider
prima facie speed limits on highways in the state highway system
that are near public or private elementary or secondary schools.
(V.A.C.S. Art. 6701d, Secs. 167(d), 169(d) (as added Ch. 344, Acts
65th Leg., R.S., 1977).)
Source Law

[Sec. 167]
(d) The State Highway and Public Transportation Commission shall hold upon request a public hearing at least once each calendar year to consider maximum prima facie speed limits on highways in the State Highway System that are near public or private institutions of elementary or secondary education.

[Sec. 169]
(d) The governing body of an incorporated city, town, or village in which a public or private institution of elementary or secondary education is located shall hold upon request a public hearing at least once each calendar year to consider maximum prima facie speed limits on streets and highways, including highways in the State Highway System, near the institution. If a county road outside the State Highway System is located within 500 feet of a public or private institution of elementary or secondary education that is not within the limits of an incorporated city, town, or village, the county commissioners court shall hold upon request a public hearing at least once each calendar year to consider the maximum prima facie speed limit on the road near the institution. A municipal governing body or commissioners court may hold upon request one public hearing for all public and private institutions of elementary or secondary education within its jurisdiction.

Revisor's Note

(1) Section 167(d), V.A.C.S. Article 6701d, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway and Public Transportation Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 169(d), V.A.C.S. Article 6701d, as added by Chapter 344, Acts of the 65th Legislature, Regular Session, 1977, refers to an "incorporated city, town, or village." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city, town, or village" because that is the term used in the Local Government Code.
Sec. 545.358. AUTHORITY OF COMMANDING OFFICER OF UNITED STATES MILITARY RESERVATION TO ALTER SPEED LIMITS. The commanding officer of a United States military reservation, for a highway or part of a highway in the military reservation, including a highway of the state highway system, has the same authority by order to alter prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission for an officially designated or marked highway of the state highway system. A commanding officer may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 60 miles per hour. (V.A.C.S. Art. 6701d, Sec. 169(d) (part) (as added Ch. 846, Acts 65th Leg., R.S., 1977).)

(d) The commanding officer of a United States military reservation, with respect to any highway, street, or part of a highway or street, including one marked as a route of a highway of the State Highway System, within the limits of the military reservation, has the same authority by order to alter maximum prima facie speed limits on the basis of an engineering and traffic investigation as that delegated to the State Highway and Public Transportation Commission with respect to any officially designated or marked highway, road, or street of the State Highway System. However, a commanding officer may not modify or alter the basic rule established in Subsection (a) of Section 166 of this Act, as amended, nor may he establish a speed limit higher than sixty (60) miles an hour. . .

Revisor's Note

Section 169(d), V.A.C.S. Article 6701d, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway and Public Transportation Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

Revised Law

Sec. 545.359. CONFLICTING DESIGNATED SPEED LIMITS. An order of the Texas Transportation Commission declaring a speed limit on a
part of a designated or marked route of the state highway system
made under Section 545.353 or 545.362 supersedes any conflicting
designated speed established under Sections 545.356 and 545.358.
(V.A.C.S. Art. 6701d, Secs. 169(b) (part), (c) (part), (d) (part)
as added Ch. 846, Acts 65th Leg., R.S., 1977.)

Source Law

(b) . . . any order of the State Highway Commission declaring a speed limit upon any part of a
designated or marked route of the State Highway System made pursuant to Section 167 shall supersede any city ordinance in conflict therewith.
(c) . . . any order of the State Highway Commission declaring a speed limit upon any part of a
designated or marked route of the State Highway System made pursuant to Section 167 or Section 169B shall supersede any conflicting designated speed established under the provisions of this section.
(d) . . . An order of the State Highway and Public Transportation Commission declaring a speed limit on any part of a designated or marked route of the State Highway System made pursuant to Section 167 or Section 169B of this Act, as amended, supersedes any conflicting order of a commanding officer.

Reviser's Note

Section 169, V.A.C.S. Article 6701d, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" and "State Highway and Public Transportation Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 545.360. DUTY OF TEXAS TRANSPORTATION COMMISSION AND STATE BOARD OF EDUCATION TO PROVIDE INFORMATION AND ASSISTANCE. The chairman of the Texas Transportation Commission and the chairman of the State Board of Education shall provide assistance and information relevant to consideration of speed limits to commissioners courts, municipal governing bodies, and other interested persons. (V.A.C.S. Art. 6701d, Sec. 169(e).)
(e) The chairman of the State Highway and Public Transportation Commission and the chairman of the State Board of Education shall provide assistance and information relevant to consideration of speed limits to commissioners courts, municipal governing bodies, and other interested persons.

Revisor's Note

Section 169(e), V.A.C.S. Article 6701d, refers to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway and Public Transportation Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

Revised Law

Sec. 545.361. SPECIAL SPEED LIMITATIONS. (a) An operator of a motor-driven cycle may not drive at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) unless the cycle is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.

(b) An operator of a vehicle equipped with solid rubber or cushion tires may not drive at a speed of more than 10 miles per hour.

(c) An operator driving over a bridge or other elevated structure that is a part of a highway may not drive at a speed of more than the maximum speed that can be maintained with safety to the bridge or structure, when signs are posted as provided by this section.

(d) An operator of self-propelled machinery designed or adapted for applying plant food materials or agricultural chemicals and not designed or adapted for the sole purpose of transporting the materials or chemicals may not drive at a speed of more than 30 miles per hour unless the machinery is registered under Chapter 502.

(e) The Texas Transportation Commission, for a state
highway, the Texas Turnpike Authority, for any part of a turnpike constructed and maintained by the authority, and a local authority for a highway under the jurisdiction of the local authority, may investigate a bridge or other elevated structure that is a part of a highway. If after conducting the investigation the commission, turnpike authority, or local authority finds that the structure cannot safely withstand vehicles traveling at a speed otherwise permissible under this subtitle, the commission, turnpike authority, or local authority shall:

1. determine and declare the maximum speed of vehicles that the structure can safely withstand; and
2. post and maintain signs before each end of the structure stating the maximum speed. (V.A.C.S. Art. 6701d, Sec. 169A.)

Source Law

Sec. 169A. (a) No person shall operate any motor-driven cycle at any time mentioned in Subsection (a) of Section 109 at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead.

(b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The State Highway Commission upon State highways, the Texas Turnpike Authority upon any part of a turnpike constructed and maintained by it, and local authorities on highways under their jurisdiction, may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this Act, the Commission, Texas Turnpike Authority, or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(e) No person may operate on a public highway at a speed greater than thirty (30) miles per hour any self-propelled machinery specifically designed or especially adapted for applying plant food materials or agricultural chemicals and not designed or adapted for the sole purpose of transporting the materials or...
chemicals, unless the machinery is registered under Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes).

Revisor's Note

(1) Section 169A(a), V.A.C.S. Article 6701d, refers to Subsection (a) of Section 109. That provision is revised in this code by Section 547.302(a), and the revised law is drafted accordingly.

(2) Section 169A(d), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

(3) Section 169A(e), V.A.C.S. Article 6701d, refers to Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-1 et seq., Vernon's Texas Civil Statutes). That law is revised in this code as Chapter 502, and the revised law is drafted accordingly.

Revised Law

Sec. 545.362. TEMPORARY SPEED LIMITS. (a) Subject to Subsection (c), the Texas Transportation Commission may enter an order establishing prima facie speed limits of not more than 70 miles per hour applicable to all highways, including a turnpike under the authority of the Texas Turnpike Authority or a highway under the control of a municipality or county. An order entered under this section does not have the effect of increasing a speed limit on any highway.

(b) The limits established under this section:

(1) are prima facie prudent and reasonable speed limits enforceable in the same manner as prima facie limits established under other provisions of this subchapter; and

(2) supersede any other established speed limit that
would permit a person to operate a motor vehicle at a higher rate of speed.

(c) An order may be issued under Subsection (a) only if the commission finds and states in the order that:

(1) a severe shortage of motor fuel or other petroleum product exists, the shortage was caused by war, national emergency, or other circumstances, and a reduction of speed limits will foster conservation and safety; or

(2) the failure to alter state speed limits will prevent the state from receiving money from the United States for highway purposes.

(d) Unless a specific speed limit is required by federal law or directive under threat of loss of highway money of the United States, the commission may not set prima facie speed limits under this section of all vehicles at less than 60 miles per hour, except on a divided highway of at least four lanes, for which the commission may not set prima facie speed limits of all vehicles at less than 65 miles per hour.

(e) Before the commission may enter an order establishing a prima facie speed limit, it must hold a public hearing preceded by the publication in at least three newspapers of general circulation in the state of a notice of the date, time, and place of the hearing and of the action proposed to be taken. The notice must be published at least 12 days before the date of the hearing. At the hearing, all interested persons may present oral or written testimony regarding the proposed order.

(f) If the commission enters an order under this section, it shall file the order in the office of the governor. The governor shall then make an independent finding of fact and determine the existence of the facts in Subsection (c). Before the 13th day after the date the order is filed in the governor's office, the governor shall conclude the finding of fact, issue a proclamation stating whether the necessary facts exist to support the issuance of the commission's order, and file copies of the order and the
proclamation in the office of the secretary of state.

(g) If the governor's proclamation states that the facts necessary to support the issuance of the commission's order exist, the order takes effect according to Subsection (h). Otherwise, the order has no effect.

(h) In an order issued under this section, the commission may specify the date the order takes effect, but that date may not be sooner than the eighth day after the date the order is filed with the governor. If the order does not have an effective date, it takes effect on the 21st day after the date it is filed with the governor. Unless the order by its own terms expires earlier, it remains in effect until a subsequent order adopted by the procedure prescribed by this section amends or repeals it, except that an order adopted under this section expires when this section expires. The procedure for repealing an order is the same as for adopting an order, except that the commission and the governor must find that the facts required to support the issuance of an order under Subsection (c) no longer exist.

(i) If an order is adopted in accordance with this section, the commission and all governmental authorities responsible for the maintenance of highway speed limit signs shall take appropriate action to conceal or remove all signs that give notice of a speed limit of more than the one contained in the order and to erect appropriate signs. All governmental entities responsible for administering traffic safety programs and enforcing traffic laws shall use all available resources to notify the public of the effect of the order. To accomplish this purpose, the governmental entities shall request the cooperation of all news media in the state.

(j) A change in speed limits under this section is effective until the commission makes a finding that the conditions in Subsection (c) require or authorize an additional change in those speed limits or in the highway or sections of highway to which those speed limits apply.
This section expires when the national maximum speed limits are repealed. (V.A.C.S. Art. 6701d, Sec. 169B.)

Source Law

Sec. 169B. (a) If the State Highway Commission finds that the facts specified in Subsection (b) of this section exist, it may enter an order establishing maximum prima facie speed limits of not more than seventy (70) miles per hour applicable to all highways in this state, including highways under the control of the Texas Turnpike Authority, incorporated cities and towns, and counties. An order entered under this section does not have the effect of increasing a speed limit on any highway. The limits established under this section are prima facie prudent and reasonable speed limits enforceable in the same manner as prima facie limits established under other provisions of this article. When speed limits established under this section are in effect, they prevail over any other established speed limit which would permit a person to operate a motor vehicle at a higher rate of speed, but do not apply to vehicles permitted to exceed established limits under Sections 24 and 172 of this Act.

(b) An order issued under Subsection (a) of this section is justified if the commission finds the following facts exist, which must be stated in the order:

(1) That a severe shortage of motor fuel or other petroleum product exists; and
(2) That the shortage was caused by war, national emergency or other circumstances; and
(3) That a reduction of speed limits will serve to foster conservation purposes and safety; or
(4) The failure to alter state speed limits will prevent the state from receiving revenue for highway purposes from the federal government.

(c) Unless a specific speed limit is required by federal law or directive under threat of loss of federal highway funds, the State Highway and Public Transportation Commission may not set maximum prima facie speed limits under this section of all vehicles below sixty (60) miles per hour, except for divided highways of at least four lanes, for which the commission may not set maximum prima facie speed limits of all vehicles below sixty-five (65) miles per hour.

(d) Before the commission may enter an order establishing a maximum prima facie speed limit, it must hold a public hearing preceded by the publication in at least three newspapers of general circulation in the state of a notice of the date, time, and place of the hearing and of the action proposed to be taken. The notice must be published at least 12 days before the date of the hearing. At the hearing, all interested persons may present oral or written testimony regarding the proposed order.

(e) When the commission enters an order under this section, it shall file the order in the office of the governor. The governor shall then undertake an independent finding of fact and determine the existence of the facts in Subdivision (1), (2), (3) or (4) of Subsection (b) of this section. Before the 13th day after the day the order is filed in his office, the governor shall conclude the finding of fact, issue a proclamation stating whether the necessary facts exist.
to support the issuance of the commission's order, and file copies of the order and the proclamation in the office of the secretary of state.

(f) If the governor's proclamation states that the facts necessary to support the issuance of the commission's order exist, the order takes effect according to Subsection (g) of this section. Otherwise, the order has no effect.

(g) In an order issued under this section, the commission may specify the date on which the order takes effect, but that date may not be sooner than the eighth day after the order is filed with the governor. If the order contains no effective date, it takes effect on the 21st day after it is filed with the governor. Unless the order by its own terms expires earlier, it remains in effect until a subsequent order adopted by the procedure prescribed by this section amends or repeals it, except that any order adopted under this section expires when this section expires. The procedure for repealing an order is the same as for adopting an order except that the commission and the governor must find that the facts required to support the issuance of an order under Subsection (b) of this section no longer exist.

(h) When an order is adopted in accordance with this section, the commission and all governmental authorities responsible for the maintenance of highway speed limit signs shall proceed with appropriate action to conceal or remove all signs which give notice of a speed limit higher than the one contained in the order and to erect appropriate signs. All governmental entities having responsibility for administration of traffic safety programs and the enforcement of traffic laws shall also proceed to use all available resources to notify the public of the effect of the order, and to accomplish this purpose they are directed to seek to enlist the cooperation of all news media in the state.

1. Any change in speed limits under this section shall be effective until the commission makes a finding that the conditions specified under Subsection (b) of this section require or authorize an additional change in those speed limits or in the highway or sections of highway to which those speed limits apply.

(j) This section expires when the national maximum speed limits are repealed.

Revisor's Note

(1) Section 169B, V.A.C.S. Article 6701d, refers to the "State Highway Commission" and to the "State Highway and Public Transportation Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" and "State Highway and Public Transportation Commission" for the reason stated in the revisor's note to Section 201.003 of this code.

(2) Section 169B(a) refers to "incorporated
cities and towns." The revised law substitutes "municipality" because the terms have the same meaning and "municipality" is the term used in the Local Government Code.

Section 169B(a) also provides that the limits set under that section do not apply to certain vehicles operating under Section 24 or 172 of the Act. This provision is omitted as unnecessary because Chapter 546 provides general exceptions to speed limits for emergency vehicles and Section 542.004 provides exceptions for highway work.

Revised Law
Sec. 545.363. MINIMUM SPEED REGULATIONS. (a) An operator may not drive so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(b) When the Texas Transportation Commission, the Texas Turnpike Authority, the commissioners court of a county, or the governing body of a municipality, within the jurisdiction of each, as applicable, as specified in Sections 545.353-545.357, determines from the results of an engineering and traffic investigation that slow speeds on a part of a highway consistently impede the normal and reasonable movement of traffic, the commission, authority, county commissioners court, or governing body may determine and declare a minimum speed limit on the highway.

(c) If appropriate signs are erected giving notice of a minimum speed limit adopted under this section, an operator may not drive a vehicle more slowly than that limit except as necessary for safe operation or in compliance with law. (V.A.C.S. Art. 6701d, Sec. 170.)

Source Law
Sec. 170. (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
with law.

(b) Whenever the State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or the governing body of an incorporated city, town, or village, within their respective jurisdictions, as specified in Sections 167, 168 and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or governing body of an incorporated city, town or village are hereby empowered and may determine and declare a minimum speed limit thereat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.

Reviser's Note

Section 170(b), V.A.C.S. Article 6701d, refers to the "State Highway Commission." The revised law substitutes "Texas Transportation Commission" for "State Highway Commission" for the reason stated in the reviser's note to Section 201.003 of this code.

Section 170(b) also refers to an "incorporated city, town or village." The revised law omits "incorporated" because under the Local Government Code all municipalities must be incorporated. The revised law also substitutes "municipality" for "city, town or village" because that is the term used in the Local Government Code.

Section 170(b) also refers to Sections 167, 168, and 169. Those sections are revised in this code as Sections 545.353-545.357, and the revised law is drafted accordingly.

Revised Law

Sec. 545.364. SPEED LIMITS ON BEACHES. A person may not operate a motor vehicle on a beach at a speed of more than:

(1) 25 miles per hour at daytime; or

(2) 20 miles per hour at nighttime. (V.A.C.S. Art. 6701d, Sec. 166(d).)
(d) A person may not operate a motor vehicle on a beach at a speed greater than 25 miles per hour during the daytime or greater than 20 miles per hour during the nighttime.

Sec. 545.365. SPEED LIMIT EXCEPTION FOR EMERGENCIES; MUNICIPAL REGULATION. (a) The regulation of the speed of a vehicle under this subchapter does not apply to:

1. an authorized emergency vehicle responding to a call;
2. a police patrol; or
3. a physician or ambulance responding to an emergency call.

(b) A municipality by ordinance may regulate the speed of:

1. an ambulance;
2. an emergency medical services vehicle; or
3. an authorized vehicle operated by a blood or tissue bank. (V.A.C.S. Art. 6701d, Sec. 172.)

Sec. 172. The provisions of this Article regulating speeds of vehicles shall not apply to authorized emergency vehicles responding to calls, nor to police patrols, nor to physicians and/or ambulances responding to emergency calls, provided that incorporated cities and towns may by ordinance regulate the speed of ambulances, emergency medical services vehicles, and authorized emergency vehicles operated by blood banks or tissue banks.

Section 172, V.A.C.S. Article 6701d, refers to "incorporated cities and towns." The revised law omits the reference to "incorporated" because all cities and towns are incorporated. The revised law also substitutes "municipality" for "city and town" because the terms are synonymous and "municipality" is the term used in the Local Government Code.

[Sections 545.366-545.400 reserved for expansion]
SUBCHAPTER I. MISCELLANEOUS RULES

Revised Law

Sec. 545.401. RECKLESS DRIVING; OFFENSE. (a) A person commits an offense if the person drives a vehicle in wilful or wanton disregard for the safety of persons or property.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine not to exceed $200;

(2) confinement in county jail for not more than 30 days; or

(3) both the fine and the confinement.

(c) Notwithstanding Section 542.001, this section applies to:

(1) a private access way or parking area provided for a client or patron by a business, other than a private residential property or the property of a garage or parking lot for which a charge is made for the storing or parking of motor vehicles; and

(2) a highway or other public place.

(d) Notwithstanding Section 542.004, this section applies to a person, a team, or motor vehicles and other equipment engaged in work on a highway surface. (V.A.C.S. Art. 6701d, Secs. 21 (part), 51.)

Source Law

[Sec. 21 as amended Ch. 83, Acts 62nd Leg., R.S., 1971]

2. The provisions of Articles [IV and] V of this Act and Articles 802, 802b and 802c, Penal Code of Texas, 1925, as amended shall apply upon highways and other public places.

[Sec. 21 as amended Ch. 741, Acts 62nd Leg., R.S., 1971]

2. The provisions of Article . . . V shall apply upon streets, highways, or privately owned access ways or parking areas provided by business establishments, without charge, for the convenience of their customers, clients, or patrons but not upon privately owned residential property or the property of any garage or parking lot for which a charge is made for storage or parking of motor vehicles.

[Sec. 24]
(a) ... the provisions of this chapter except those contained in Article V of this Act ... shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway ....

Sec. 51. (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon such conviction by a fine of not more than Two Hundred Dollars ($200), or by imprisonment in the county jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Revisor's Note

(1) Subdivision 2, Section 21, V.A.C.S. Article 6701d, as amended by Chapter 83, Acts of the 62nd Legislature, Regular Session, 1971, refers to "Articles 802, 802b and 802c, Penal Code of Texas, 1925, as amended." The revised law omits the references to those articles as obsolete and unnecessary. Articles 802 and 802b, Penal Code of 1925, were, respectively, transferred to Articles 67011-1 and 67011-2, Vernon's Texas Civil Statutes, and Article 802c of that code was repealed, by the legislature's enactment of a new Penal Code in 1972.

(2) Subdivision 2, Section 21, V.A.C.S. Article 6701d, refers to "Article V of this Act" meaning Article V of V.A.C.S. Article 6701d. As originally enacted, Article V, V.A.C.S. Article 6701d, contained several sections, of which only Section 51, revised in this section, remains.

(3) Subdivision 2, Section 21, V.A.C.S. Article 6701d, as amended by Chapter 741, Acts of the 62nd Legislature, Regular Session, 1971, includes references to "streets, highways," and "parking areas provided by business establishments, without charge, for the convenience of their customers, clients, or patrons."
The revised law omits the reference to "street" because
under Section 541.302 of this code, "street" and "highway" have the same meaning. The revised law omits "without charge" because Subsection (c)(1) of this section expressly provides that this section does not apply to a parking lot or garage for which a charge is made to park or store a vehicle. The revised law omits "customer" because "customer" is included within the meaning of "client or patron."

Revised Law

Sec. 545.402. MOVING A PARKED VEHICLE. An operator may not begin movement of a stopped, standing, or parked vehicle unless the movement can be made safely. (V.A.C.S. Art. 6701d, Sec. 67.)

Source Law

Sec. 67. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with safety.

Revised Law

Sec. 545.403. DRIVING THROUGH SAFETY ZONE. An operator may not drive through or in a safety zone. (V.A.C.S. Art. 6701d, Sec. 85.)

Source Law

Sec. 85. No driver of a vehicle shall at any time drive through or within a safety zone.

Revised Law

Sec. 545.404. UNATTENDED MOTOR VEHICLE. An operator may not leave the vehicle unattended without:

1. stopping the engine;
2. locking the ignition;
3. removing the key from the ignition;
4. setting the parking brake effectively; and
5. if standing on a grade, turning the front wheels to the curb or side of the highway. (V.A.C.S. Art. 6701d, Sec. 97.)
Sec. 97. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Revised Law

Sec. 545.405. DRIVING ON MOUNTAIN HIGHWAY. An operator moving through a defile or canyon or on a mountain highway shall:

(1) hold the vehicle under control and as near the right-hand edge of the highway as possible; and

(2) on approaching a curve that obstructs the view of the highway for 200 feet, give warning with the horn of the motor vehicle. (V.A.C.S. Art. 6701d, Sec. 98.)

Sec. 98. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as possible and upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway, shall give audible warning with the horn of such motor vehicle.

Sec. 545.406. COASTING. (a) An operator moving on a downgrade may not coast with the gears or transmission of the vehicle in neutral.

(b) An operator of a truck, tractor, or bus moving on a downgrade may not coast with the clutch disengaged. (V.A.C.S. Art. 6701d, Sec. 99.)

Sec. 99. (a) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck, truck tractor or bus when traveling upon a downgrade shall not coast with the clutch disengaged.
Sec. 545.407. FOLLOWING OR OBSTRUCTING FIRE APPARATUS OR AMBULANCE. (a) An operator, unless on official business, may not follow closer than 500 feet a fire apparatus responding to a fire alarm or drive into or park the vehicle in the block where the fire apparatus has stopped to answer a fire alarm.

(b) An operator may not:

(1) follow closer than 500 feet an ambulance that is flashing red lights unless the operator is on official business; or

(2) drive or park the vehicle where an ambulance has been summoned for an emergency call in a manner intended to interfere with the arrival or departure of the ambulance.

(V.A.C.S. Art. 6701d, Sec. 100.)

Sec. 100. (a) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where the fire apparatus has stopped to answer a fire alarm.

(b) No driver of a vehicle, except a driver on official business, may follow closer than five hundred (500) feet behind an ambulance when the flashing red lights of the ambulance are operating. No driver of a vehicle may drive or park his vehicle at a place where an ambulance has been summoned for an emergency call in a manner calculated to interfere with the arrival or departure of the ambulance.

Sec. 545.408. CROSSING FIRE HOSE. An operator may not, without the consent of the fire department official in command, drive over an unprotected hose of a fire department if the hose is on a street or private driveway and is intended for use at a fire or alarm of fire. (V.A.C.S. Art. 6701d, Sec. 101 (part).)

Sec. 101. No driver of a ... vehicle shall drive over an unprotected hose of a fire department when laid down on any street, private driveway ... to be used at any fire or alarm of fire, without the consent of the fire department official in command.
Sec. 545.409. DRAWBARS AND TRAILER HITCHES; SADDLE-MOUNT TOWING. (a) The drawbar or other connection between a vehicle drawing another vehicle and the drawn vehicle:

(1) must be strong enough to pull all weight drawn;

and

(2) may not exceed 15 feet between the vehicles except for a connection between two vehicles transporting poles, pipe, machinery, or other objects of structural nature that cannot readily be dismembered.

(b) An operator drawing another vehicle and using a chain, rope, or cable to connect the vehicles shall display on the connection a white flag or cloth not less than 12 inches square.

(c) A motor vehicle may not draw more than three motor vehicles attached to it by the triple saddle-mount method. In this subsection, "triple saddle-mount method" means the mounting of the front wheels of trailing vehicles on the bed of another vehicle while leaving the rear wheels only of the trailing vehicles in contact with the roadway. (V.A.C.S. Art. 6701d, Secs. 106(b), (c), (d).)

Source Law

(b) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed fifteen (15) feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(c) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.

(d) It is hereby specifically provided that no motor vehicle shall draw more than three (3) motor vehicles attached thereto by the triple saddle mount method, that is by mounting the front wheels of the trailing vehicles on the bed of another leaving the rear wheels only of such trailing vehicles in contact with the roadway, nor shall such combinations of motor vehicles exceed the width, length, height, or gross weight limitations fixed by Texas statutes.
Revisor's Note
Section 106(d), V.A.C.S. Article 6701d, provides that certain combinations of vehicles may not "exceed the width, length, height, or gross weight limitations fixed by Texas statutes." The revised law omits this provision because the prohibition it establishes is adequately established by the statutes to which the provision refers.

Revised Law
Sec. 545.410. TOWING SAFETY CHAINS. (a) An operator of a passenger vehicle may not draw a trailer or house trailer unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer or house trailer to the drawing vehicle. This subsection does not apply to the drawing of a trailer used for agricultural purposes.

(b) The department shall adopt rules prescribing the type of safety chains required to be used according to the weight of the trailer or house trailer being drawn. The rules shall:
(1) require safety chains to be strong enough to maintain the connection between the trailer or house trailer and the drawing vehicle; and
(2) show the proper method to attach safety chains between the trailer or the house trailer and the drawing vehicle.

(c) Subsection (b) does not apply to trailers that are equipped with safety chains installed by the original manufacturer before the effective date of the rules.

(d) This section does not apply to a trailer that is operated in compliance with the federal motor carrier safety regulations.

(e) In this section, "safety chains" means flexible tension members connected from the front of a drawn vehicle to the rear of the drawing vehicle to maintain connection between the vehicles if the primary connecting system fails. (V.A.C.S. Art. 6701d, Sec.
Sec. 106A. (a) In this section "safety chains" means flexible tension members connected from the front portion of a towed vehicle to the rear portion of a towing vehicle to maintain connection between the vehicles if the primary connecting system fails.

(b) A person may not operate a passenger vehicle while towing a trailer or house trailer on a public highway unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer or house trailer to the towing vehicle.

(c) The department shall adopt rules setting forth the type of safety chains required to be used based on the weight of the trailer or house trailer being towed. The rules shall:

(1) require safety chains to be strong enough to maintain connection between the trailer or house trailer and the towing vehicle; and
(2) indicate the proper method of attachment of safety chains between the trailer or the house trailer and the towing vehicle.

(d) The requirements of Subsection (b) of this section do not apply to a passenger vehicle towing a trailer used for agricultural purposes.

(e) This section shall not apply to any trailer which is operated in compliance with the Federal Motor Carrier Safety Regulations.

(f) The rules adopted by the Department of Public Safety under Subsection (c) of this section shall not apply to trailers which are equipped with safety chains installed by the original manufacturer before the effective date of the rules.

Sec. 545.411. USE OF REST AREA: OFFENSE. (a) A person commits an offense if the person remains at a rest area for longer than 24 hours or erects a tent, shelter, booth, or structure at the rest area and the person:

(1) has notice while conducting the activity that the activity is prohibited; or
(2) receives notice that the activity is prohibited but does not depart or remove the structure within eight hours after receiving notice.

(b) For purposes of this section, a person:

(1) has notice if a sign stating the prohibited activity and penalty is posted on the premises; or
(2) receives notice if a peace officer orally
communicates to the person the prohibited activity and penalty for the offense.

(c) It is an exception to Subsection (a) if a nonprofit organization erects a temporary structure at a rest area to provide food services, food, or beverages to travelers and the Texas Department of Transportation:

(1) finds that the services would constitute a public service for the benefit of the traveling public; and

(2) issues a permit to the organization.

(d) In this section, "rest area" means public real property designated as a rest area, comfort station, picnic area, roadside park, or scenic overlook by the Texas Department of Transportation.

(V.A.C.S. Art. 6701d, Sec. 107A.)

Source Law

Sec. 107A. (a) Except as provided by Subsection (c) of this section, a person commits an offense if he remains at a rest area for more than 24 hours or erects a tent, shelter, booth, or structure of any kind at a rest area, and he:

(1) has notice while conducting the activity that the activity is prohibited; or

(2) receives notice that the activity is prohibited but fails to depart or remove the structure within eight hours after receiving notice.

(b) For purposes of this section, a person:

(1) has notice if a sign stating the prohibited activity and penalty is posted on the premises; or

(2) receives notice if a peace officer orally communicates to him the prohibited activity and penalty for the offense.

(c) A nonprofit organization may erect a temporary structure at a rest area to provide services, food, or beverages to travelers, provided that the State Department of Highways and Public Transportation has found that such services would constitute a public service for the benefit of the traveling public and has issued a permit to such organization.

(d) In this section "rest area" means any area of public land designated by the State Department of Highways and Public Transportation as a rest area, comfort station, picnic area, roadside park, or scenic overlook.

Revisor's Note

Section 107A, V.A.C.S. Article 6701d, refers to the "State Department of Highways and Public Transportation." The revised law substitutes "Texas...
Department of Transportation" for "State Department of Highways and Public Transportation" for the reason stated in the reviser's note to Section 201.003 of this code.

**Revised Law**

Sec. 545.412. CHILD PASSENGER SAFETY SEAT SYSTEMS; OFFENSE.

(a) A person commits an offense if the person operates a passenger car or light truck and:

(1) transports a child younger than two years of age and does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system; or

(2) transports a child who is at least two years of age but younger than four years of age and does not keep the child secured during the operation of the vehicle:

(A) in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system; or

(B) by a safety belt.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than $25 or more than $50.

(c) It is a defense to prosecution under this section that the person was operating the vehicle in an emergency or for a law enforcement purpose.

(d) Use or nonuse of a child passenger safety seat system is not admissible evidence in a civil trial.

(e) This section does not apply to a person:

(1) operating a vehicle transporting passengers for hire; or

(2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

(f) In this section, "child passenger safety seat system"
means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration. (V.A.C.S. Art. 6701d, Sec. 107B.)

Source Law

Sec. 107B. (a) In this section "child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(b) A person commits an offense if the person:

(1) transports a child younger than two years of age by operating a passenger car or light truck on a road, street, or highway of this state; and

(2) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system.

(c) A person commits an offense if the person:

(1) transports a child who is two years of age or older and under four years of age by operating a passenger car or light truck on a road, street, or highway of this state; and

(2) does not keep the child secured during the operation of the vehicle in a child passenger safety seat system according to the instructions of the manufacturer of the safety seat system or by a safety belt.

(d) An offense under this section is punishable by a fine of not less than $25 nor more than $50.

(e) It is a defense to prosecution under this section that the person was operating the vehicle in an emergency or for a valid law enforcement purpose.

(f) Use or nonuse of a child passenger safety seat system is not admissible evidence in a civil trial.

(g) This section does not apply to a person operating a vehicle transporting passengers for hire.

(h) This section does not apply to a person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

Reviser's Note

Section 107B(b), V.A.C.S. Article 6701d, refers to a vehicle "on a road, street, or highway." The revised law omits the quoted language because "road" and "street" are included within the meaning of "highway," and the reference to "highway" can be omitted for the reason stated in Reviser's Note (1) to Section 545.351 of this code.
Revised Law

Sec. 545.413. SAFETY BELTS; OFFENSE. (a) A person commits an offense if the person:

(1) is at least 15 years of age;
(2) is riding in the front seat of a passenger car while the vehicle is being operated;
(3) is occupying a seat that is equipped with a safety belt; and
(4) is not secured by a safety belt.

(b) A person commits an offense if the person:

(1) operates a passenger car that is equipped with safety belts; and
(2) allows a child who is at least four years of age but younger than 15 years of age to ride in the front seat of the vehicle without requiring the child to be secured by a safety belt.

(c) A passenger car or a seat in a passenger car is considered to be equipped with a safety belt if the vehicle is required under Section 547.601 to be equipped with safety belts.

(d) An offense under this section is a misdemeanor punishable by a fine of not less than $25 or more than $50.

(e) It is a defense to prosecution under this section that:

(1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
(2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt; or
(3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle.

(f) The department shall develop and implement an educational program to encourage the wearing of safety belts and to
emphasize:

(1) the effectiveness of safety belts and other restraint devices in reducing the risk of harm to passengers in motor vehicles; and

(2) the requirements of this section and the penalty for noncompliance.

(g) Use or nonuse of a safety belt is not admissible evidence in a civil trial.

(h) In this section, "passenger car" includes a truck with a manufacturer's rated carrying capacity of not more than 1,500 pounds. (V.A.C.S. Art. 6701d, Sec. 107C.)

Source Law

Sec. 107C. (a) In this section, "passenger car" includes a truck with a manufacturer's rated carrying capacity of not more than 1,500 pounds.

(b) A person commits an offense if the person:

(1) is at least 15 years old;

(2) is riding in the front seat of a passenger car while the car is being operated on a road, street, or highway of this state;

(3) is occupying a seat that is equipped with a safety belt; and

(4) is not secured by a safety belt.

(c) A person commits an offense if the person:

(1) operates on a road, street, or highway of this state a passenger car that is equipped with safety belts; and

(2) allows a child who is at least four years old but less than 15 years old to ride in the front seat of the car without requiring the child to be secured by a safety belt.

(d) A passenger car or a seat in a passenger car is deemed to be equipped with a safety belt if the passenger car is required under Section 139E of this Act to be equipped with safety belts.

(e) An offense under this section is punishable by a fine of not less than $25 nor more than $50.

(f) This section does not apply to a person who possesses a written statement from a licensed physician stating that for medical reasons the person is unable to wear a safety belt.

(g) It is a defense to prosecution under this section that the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for medical reasons the person is unable to wear a safety belt.

(h) This section does not apply to persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles.

(i) The department shall develop and implement an educational program to encourage the wearing of
safety belts. The program shall emphasize:
(1) the effectiveness of safety belts and
other restraint devices in reducing the risk of harm to
passengers in motor vehicles; and
(2) the requirements of this section and
the penalty for noncompliance.
(j) Use or nonuse of a safety belt is not
admissible evidence in a civil trial.

Revisor's Note
(1) Sections 107C(b) and (c), V.A.C.S. Article
6701d, refer to a vehicle "on a road, street, or
highway." The revised law omits the quoted language
because "road" and "street" are included within the
meaning of "highway," and the reference to "highway"
can be omitted for the reason stated in Revisor's Note
(1) to Section 545.351 of this code.
(2) Section 107C(f), V.A.C.S. Article 6701d,
provides that Section 107C does not apply to a person
with a medical excuse. Section 107C(h) provides that
Section 107C does not apply to certain postal
employees. The revised law states both of these
circumstances as defenses to prosecution because under
Section 2.03(e), Penal Code, applicable to Section 107C
and the revised law, a ground of defense in a penal law
that is not labeled in conformance with Chapter 2,
Penal Code, has the same procedural and evidentiary
effect of a defense under Section 2.03, Penal Code.
(3) Section 107C(d), V.A.C.S. Article 6701d,
refers to Section 139E of that article. That section
is revised in this code by Section 547.601, and the
revised law is drafted accordingly.

Revised Law
Sec. 545.414. RIDING IN OPEN BEDS; OFFENSE. (a) A person
commits an offense if the person operates an open-bed pickup truck
or an open flatbed truck or draws an open flatbed trailer at a
speed of more than 35 miles per hour when a child younger than 12
years of age is occupying the bed of the truck or trailer.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than $25 or more than $200.

(c) It is a defense to prosecution under this section that the person was operating or towing the vehicle in an emergency.

(V.A.C.S. Art. 6701d, Sec. 1070.)

Sec. 107D. (a) A person commits an offense if the person, at a speed that exceeds 35 miles per hour, operates an open bed pickup truck or an open flatbed truck or tows an open flatbed trailer on a public street or highway when a child younger than 12 years of age is occupying the bed of the truck or trailer.

(b) An offense under this section is punishable by a fine of not less than $25 nor more than $200.

(c) It is a defense to prosecution under this section that the person was operating or towing the vehicle in an emergency.
carry more than one person.

(c) If the motorcycle is designed to carry more than one person, a passenger may ride only on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle behind or to the side of the operator.

(V.A.C.S. Art. 6701d, Sec. 174.)

Source Law

Sec. 174. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Revised Law

Sec. 545.417. OBSTRUCTION OF OPERATOR'S VIEW OR DRIVING MECHANISM. (a) An operator may not drive a vehicle when it is loaded so that, or when the front seat has a number of persons, exceeding three, so that:

(1) the view of the operator to the front or sides of the vehicle is obstructed; or

(2) there is interference with the operator's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle may not ride in a position that interferes with the operator's view to the front or sides or control over the driving mechanism of the vehicle. (V.A.C.S. Art. 6701d, Secs. 175(a), (b) (part).)

Source Law

Sec. 175. (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle . . . shall ride in such position as to interfere with the driver's . . . view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle . . . .
Revised Law
Sec. 545.418. OPENING VEHICLE DOORS. A person may not:
(1) open the door of a motor vehicle on the side available to moving traffic, unless the door may be opened in reasonable safety without interfering with the movement of other traffic; or
(2) leave a door on the side of a vehicle next to moving traffic open for longer than is necessary to load or unload a passenger. (V.A.C.S. Art. 6701d, Sec. 176.)

Source Law
Sec. 176. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Revised Law
Sec. 545.419. RIDING IN HOUSE TRAILER. A person may not occupy a house trailer while it is being moved. (V.A.C.S. Art. 6701d, Sec. 177.)

Source Law
Sec. 177. No person or persons shall occupy a house trailer while it is being moved upon a public highway.

Revisor's Note
Section 177, V.A.C.S. Article 6701d, refers to a vehicle "upon a public highway." The revised law omits the quoted language for the reason stated in Revisor's Note (1) to Section 545.351.

Revised Law
Sec. 545.420. RACING ON HIGHWAY. (a) A person may not participate in any manner in:
(1) a race;
(2) a vehicle speed competition or contest;
(3) a drag race or acceleration contest;
(4) a test of physical endurance of the operator of a vehicle; or
(5) an exhibition of vehicle speed or acceleration or to make a vehicle speed record.

(b) In this section:

(1) "Drag race" means the operation of:
  (A) two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
  (B) one or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles in a specified distance or time.

(2) "Race" means the use of one or more vehicles in an attempt to:
  (A) outgain or outdistance another vehicle or prevent another vehicle from passing;
  (B) arrive at a given destination ahead of another vehicle or vehicles; or
  (C) test the physical stamina or endurance of an operator over a long-distance driving route. (V.A.C.S. Art. 6701d, Sec. 185.)

Source Law

Sec. 185. (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a
given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

Revised Law
Sec. 545.421. FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER; OFFENSE. (a) A person commits an offense if the person operates a motor vehicle and wilfully fails or refuses to bring the vehicle to a stop or flees, or attempts to elude, a pursuing police vehicle when given a visual or audible signal to bring the vehicle to a stop.

(b) A signal under this section that is given by a police officer pursuing a vehicle may be by hand, voice, emergency light, or siren. The officer giving the signal must be in uniform and prominently display the officer's badge of office. The officer's vehicle must be appropriately marked as an official police vehicle.

c) Except as provided by Subsection (d), an offense under this section is a Class B misdemeanor.

(d) An offense under this section is a Class A misdemeanor if the person, during the commission of the offense, recklessly engages in conduct that places another in imminent danger of serious bodily injury.

e) A person is presumed to have recklessly engaged in conduct placing another in imminent danger of serious bodily injury under Subsection (d) if the person while intoxicated knowingly operated a motor vehicle during the commission of the offense. In this subsection, "intoxicated" has the meaning assigned by Section 49.01, Penal Code. (V.A.C.S. Art. 6701d, Sec. 186.)

Source Law
Sec. 186. (a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) It is presumed that the driver recklessly
engaged in conduct placing another in imminent danger
of serious bodily injury under Subsection (c) of this
section if the driver knowingly operated a motor
vehicle while intoxicated during the commission of the
offense. In this subsection, "intoxicated" has the
meaning assigned that term by Article 67011-1, Revised
Statutes.
(c) An offense under this section is a Class B
misdemeanor unless the driver, during the commission of
the offense, recklessly engaged in conduct that placed
another in imminent danger of serious bodily injury, in
which event the offense is a Class A misdemeanor.

Revised Law
Sec. 545.422. CROSSING SIDEWALK. A person may not drive a
motor vehicle on a sidewalk or sidewalk area except on a permanent
or authorized temporary driveway. (V.A.C.S. Art. 6701d, Sec. 187.)

Source Law
Sec. 187. No person shall drive any motor
vehicle upon a sidewalk or sidewalk area except upon a
permanent or duly authorized temporary driveway.

Revised Law
Sec. 545.423. CROSSING PROPERTY. (a) An operator may not
cross a sidewalk or drive through a driveway, parking lot, or
business or residential entrance without stopping the vehicle.
(b) An operator may not cross or drive in or on a sidewalk,
driveway, parking lot, or business or residential entrance at an
intersection to turn right or left from one highway to another
highway. (V.A.C.S. Art. 6701d, Sec. 188.)

Source Law
Sec. 188. No person driving a vehicle shall
cross a sidewalk or drive through a driveway, parking
lot, or business or residential entrance without
bringing the vehicle to a complete stop. No person
driving a vehicle shall cross, drive in or on such
sidewalks, driveways, parking lots or entrances at an
intersection for the purpose of making either a right
or left turn from one street or highway to another
street or highway.
(1) Section 106(a), V.A.C.S. Article 6701d, provides that a vehicle may draw only one other vehicle and provides an exception for certain agricultural trailers. Section 3(c)(1), V.A.C.S. Article 6701d-11, last amended in 1989, allows combinations of three vehicles subject to certain total length limitations. As the later enactment, Section 3(c)(1) of V.A.C.S. Article 6701d-11 impliedly repealed Section 106(a), V.A.C.S. Article 6701d. The revised law omits the repealed section, which reads:

Sec. 106. (a) No driver of a motor vehicle shall drive upon any highway outside of the limits of an incorporated city or town drawing or having attached thereto more than one (1) vehicle except as herein provided; such vehicle may be a trailer, semi-trailer, pole trailer, or another vehicle; provided, however, that there may be attached to motor vehicles used exclusively in the actual harvesting of perishable fresh fruits and vegetables not to exceed two (2) trailers, under the following conditions:

1. The origin of fruits and vegetables must be an orchard or a field where the same are grown and the destination must be a packing or processing plant or shed, not more than fifty (50) miles distant from such field or orchard.

2. The combination of vehicles must be operated only during the period from sunrise to sunset, and at a rate of speed not to exceed twenty-five (25) miles per hour.

3. The fruits and vegetables transported in such trailers must be in bulk or field crates.

4. The width, height, and gross weight of each trailer and/or combination of trailers shall conform to the requirements set forth in Article 827a, Revised Penal Code of the State of Texas, and all other laws of this State governing same.

5. No one harvesting trailer shall exceed seventeen (17) feet, nine (9) inches in length, nor shall any combination of two (2) trailers and motor vehicle as provided herein, exceed fifty-five (55) feet overall length.

6. No laborers or "harvesting hands" shall be carried in or on the trailers while so used.
(2) V.A.C.S. Article 6701d impliedly repealed provisions of V.A.C.S. Article 6701d-11 that were enacted before Article 6701d and not amended after the enactment of Article 6701d. Section 7(b) of Article 6701d-11, relating to the length of a drawbar between connected vehicles, was impliedly repealed by Section 106(b) of Article 6701d, revised in this code as Section 545.409(a). Section 10 of Article 6701d-11, relating to parking or standing vehicles, was impliedly repealed by Sections 93 and 94(a) of Article 6701d, revised in this code as Sections 545.301 and 545.305, respectively. The omitted law reads:

[Sec. 7]

(b) The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed twenty (20) feet in length from one vehicle to the other.

Sec. 10. No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of any incorporated town or city, when it is possible to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

Whenever any peace officer or license and weight inspector of the Department shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.