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

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CHAPTER 546. OPERATION OF AUTHORIZED EMERGENCY VEHICLES AND CERTAIN OTHER VEHICLES

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CHAPTER 546. OPERATION OF AUTHORIZED EMERGENCY VEHICLES AND CERTAIN OTHER VEHICLES

SUBCHAPTER A. AUTHORIZED EMERGENCY VEHICLES

Revised Law

Sec. 546.001. PERMISSIBLE CONDUCT. In operating an authorized emergency vehicle the operator may:

(1) park or stand, irrespective of another provision of this subtitle;

(2) proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;

(3) exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, as long as the operator does not endanger life or property; and

(4) disregard a regulation governing the direction of movement or turning in specified directions. (V.A.C.S. Art. 6701d, Secs. 24(b) (part), (c).)

Source Law

(b) ... but subject to the conditions herein stated.

(c) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

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3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

Revisor's Note

The revised law refers to an ordinance adopted under Section 545.365 (Art. 6701d, Sec. 172) of this code. This reference is added for completeness because Section 545.365 authorizes a municipality to regulate by ordinance the speed of certain authorized emergency vehicles.

Revised Law

Sec. 546.002. WHEN CONDUCT PERMISSIBLE. Section 546.001 applies only when the operator is:

(1) responding to an emergency call;
(2) pursuing an actual or suspected violator of the law; or
(3) responding to but not returning from a fire alarm.

Source Law

(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section . . . .

Revised Law

Sec. 546.003. AUDIBLE OR VISUAL SIGNALS REQUIRED. Except as provided by Section 546.004, the operator of an authorized emergency vehicle engaging in conduct permitted by Section 546.001 shall use, at the discretion of the operator in accordance with policies of the department or the local government that employs the operator, audible or visual signals that meet the pertinent requirements of Sections 547.305 and 547.702. (V.A.C.S. Art. 6701d, Sec. 24(d)(1) (part).)
Source Law

(d)(1) The exemptions granted under Subsections (b) and (c) of this section to the driver of an authorized emergency vehicle apply only when the driver of the vehicle is making use, at the discretion of the driver, in accordance with policies of the Department or the local government that employs the driver, of audible or visual signals meeting the requirements of Section 124 of this Act, except as provided by Subsection (d-2) of this section . . . .

Revisor's Note

(1) Section 24(d)(1), V.A.C.S. Article 6701d, refers to "exemptions granted under Subsections (b) and (c)." The revised law places all privileges or exemptions in Section 546.001 of this code. Section 546.002 of this code specifies when an operator may engage in conduct permitted by Section 546.001 of this code.

(2) Section 24(d)(1), V.A.C.S. Article 6701d, refers to "audible or visual signals meeting the requirements of Section 124." The pertinent parts of Section 124 are revised in Sections 547.305 and 547.702 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 546.004. EXCEPTIONS TO SIGNAL REQUIREMENT. (a) A volunteer fire fighter who operates a private vehicle as an authorized emergency vehicle may engage in conduct permitted by Section 546.001 only when the fire fighter is using visual signals meeting the pertinent requirements of Sections 547.305 and 547.702.

(b) An authorized emergency vehicle that is operated as a police vehicle is not required to be equipped with or display a red light visible from the front of the vehicle.

(c) A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals required by Section 546.003 if the officer is:

(1) responding to an emergency call or pursuing a
suspected violator of the law with probable cause to believe that:

(A) knowledge of the presence of the officer will cause the suspect to:

(i) destroy or lose evidence of a suspected felony;
(ii) end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
(iii) evade apprehension or identification of the suspect or the suspect's vehicle; or

(B) because of traffic conditions on a multilaned roadway, vehicles moving in response to the audible or visual signals may:

(i) increase the potential for a collision; or
(ii) unreasonably extend the duration of the pursuit; or

(2) complying with a written regulation relating to the use of audible or visible signals adopted by the local government that employs the officer or by the department.

(V.A.C.S. Art. 6701d, Secs. 24(d)(1) (part), (2), (d-2).)

Source Law

(d)(1) . . . and except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(2) A police officer who is the driver of an authorized emergency vehicle used for law enforcement purposes may operate without using the emergency warning devices required by this subsection only when the officer is:

(A) responding to an emergency call or when the officer is in pursuit of a suspected violator of the law and the officer has probable cause to believe that:

(i) knowledge of the presence of the officer will cause the suspect to destroy or lose evidence of a suspected felony;
(ii) knowledge of the presence of the officer will cause the suspect to cease a suspected continuing felony before the officer has acquired sufficient evidence to establish grounds for arrest;
(iii) knowledge of the presence of the officer will cause the suspect to evade
apprehension or identification of the suspect or the suspect's vehicle; or

(iv) traffic conditions on a multilaned roadway are such that movements of motorists in response to the emergency warning devices may increase the potential for a collision or may unreasonably extend the duration of the pursuit; or

(B) in compliance with written regulations relating to the use of emergency warning devices adopted by the Department or by the local government that employs the officer.

(d-2) The exemptions granted by Subsection (b) of this section apply to a private vehicle operated as an authorized emergency vehicle by a volunteer fire fighter only when the vehicle is making use of visual signals meeting the standards of Section 124 of this Act.

Reviser's Note

(1) Section 24(d-2), V.A.C.S. Article 6701d, refers to "exemptions granted by Subsection (b)." The revised law substitutes a reference to Section 546.001 for the reason stated in Reviser's Note (1) to Section 546.003 of this code.

(2) Section 24(d-2), V.A.C.S. Article 6701d, refers to "the standards of Section 124." The pertinent parts of Section 124 are revised in Sections 547.305 and 547.702 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 546.005. DUTY OF CARE. This chapter does not relieve the operator of an authorized emergency vehicle from:

(1) the duty to operate the vehicle with appropriate regard for the safety of all persons; or

(2) the consequences of reckless disregard for the safety of others. (V.A.C.S. Art. 6701d, Sec. 24(e).)

Source Law

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

[Sections 546.006-546.020 reserved for expansion]
SUBCHAPTER B. OPERATION OF CERTAIN FIRE-FIGHTING EQUIPMENT

Revised Law

Sec. 546.021. MUTUAL AID ORGANIZATIONS. (a) Two or more businesses whose activities require the maintenance of fire-fighting equipment may form a mutual aid organization in which the member businesses agree to assist each other during an emergency by supplying fire-fighting equipment or services.

(b) The presiding officer or director of an organization formed under this section shall deliver a list to the county fire marshal, or to the commissioners court of a county if the county does not have a fire marshal, in each county in which a member business is located. The list must contain the name of the registered owner and license plate number of each motor vehicle that each member intends to use in supplying fire-fighting equipment or services.

(c) If the county fire marshal or commissioners court determines that the operation of the vehicles on the list is in the public interest and not a threat to public safety, the marshal or court shall approve the list.

(d) On approval of the list by the county fire marshal or commissioners court, a person operating a listed motor vehicle in response to a call for emergency fire-fighting assistance from a member has the rights and restrictions placed by this subtitle on the operator of an authorized emergency vehicle.

(e) A county is not liable for damage to a person or property caused by a person approved by the county under this section to operate a motor vehicle for emergency fire-fighting assistance. (V.A.C.S. Art. 6701d, Sec. 24A.)

Source Law

Sec. 24A. (a) Two or more businesses whose activities require maintaining fire-fighting equipment may form a mutual aid organization in which the businesses that are members of the organization agree to assist each other during emergencies by supplying fire-fighting equipment or services.

(b) The chairman or director of an organization formed under this section shall deliver for approval a
list to the county fire marshal, or to the commissioners court in counties without a fire marshal, in each county in which a member is located. The list must contain the name of the registered owner and license plate number of each motor vehicle that each member intends to use in supplying fire-fighting equipment or services.

(c) If the county fire marshal or commissioners court determines that the operation of the vehicles on a list submitted under Subsection (b) of this section is in the public interest and would not pose a threat to public safety, the marshal or court shall approve the list.

(d) On approval by the county fire marshal or commissioners court, a person driving a motor vehicle listed under Subsection (b) of this section in response to a call for emergency fire-fighting assistance from a member has all the rights and restrictions placed by this Act on the driver of an authorized emergency vehicle.

(e) A county is not liable for damage to a person or property caused by a person approved by the county under this section to operate a motor vehicle for emergency fire-fighting assistance.

CHAPTER 547. VEHICLE EQUIPMENT

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CHAPTER 547. VEHICLE EQUIPMENT

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 547.001. DEFINITIONS. In this chapter:

(1) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool a motor vehicle passenger or operator compartment.

(2) "Explosive cargo vehicle" means a motor vehicle used to transport explosives or a cargo tank truck used to transport a flammable liquid or compressed gas.

(3) "Light transmission" means the ratio of the amount of light that passes through a material to the amount of light that falls on the material and the glazing.

(4) "Luminous reflectance" means the ratio of the amount of light that is reflected by a material to the amount of light that falls on the material.

(5) "Multipurpose vehicle" means a motor vehicle that is:

(A) designed to carry 10 or fewer persons; and

(B) constructed on a truck chassis or with special features for occasional off-road use.

(6) "Safety glazing material" includes only a glazing material that is constructed, treated, or combined with another material to reduce substantially, as compared to ordinary sheet or...
plate glass, the likelihood of injury to persons by an external object or by cracked or broken glazing material.

(7) "Slow-moving vehicle" means:

(A) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less; or

(B) a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by:

(i) an animal; or

(ii) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.

(8) "Slow-moving-vehicle emblem" means a triangular emblem that conforms to standards and specifications adopted by the director under Section 547.104.

(9) "Sunscreening device" means a film, material, or device that meets the department's standards for reducing effects of the sun.

(10) "Vehicle equipment" means:

(A) a system, part, or device that is manufactured or sold as original or replacement equipment or as a vehicle accessory; or

(B) a device or apparel manufactured or sold to protect a vehicle operator or passenger. (V.A.C.S. Art. 6701d, Secs. 108(a); 134C(a)(1), (2), (3), (6); 136(b); 137(b) (part); 139B, Subdiv. 1; 139C(a).)
by a product or material to the amount of total light
falling on the product or material.

(6) "Multipurpose vehicle" means a motor
vehicle designed to carry 10 or fewer persons that is
constructed either on a truck chassis or with special
features for occasional off-road use.

[Sec. 136]
(b) The term "safety glazing materials" means
glazing materials so constructed, treated or combined
with other materials as to reduce substantially, in
comparison with ordinary sheet glass or plate glass,
the likelihood of injury to persons by objects from
exterior sources or by these safety glazing materials
when they may be cracked or broken.

[Sec. 137]
(b) . . . any motor vehicle used for the
transportation of explosives, or any cargo tank truck
used for the transportation of flammable liquids or
compressed gases . . .

Sec. 139B. Subd. 1. As used in this Section,
the term "slow-moving vehicle" means any motor vehicle
designed to operate at a maximum speed of twenty-five
miles per hour or less; and the term also means and
includes all other vehicles, implements of husbandry
and other machinery, including all road construction
machinery, while being drawn by animals or by a motor
vehicle designed to operate at a maximum speed of
twenty-five miles per hour or less.
The term "slow-moving-vehicle emblem", as used in
this Section, means a triangular emblem, conforming to
the size, colors and other standards and specifications
as are adopted by the Director of the Department of
Public Safety in accordance with this Section.

Sec. 139C. (a) The term "air-conditioning
equipment" as used or referred to in this section shall
mean mechanical vapor compression refrigeration
equipment which is used to cool the driver's or
passenger compartment of any motor vehicle.

Revisor's Note

(1) Sections 134C(a)(2) and (3), V.A.C.S.
Article 6701d, refer to a "material" or "product." The
revised law omits the references to "product" because
that term is included within the meaning of "material."

(2) Subdivision 1, Section 139B, V.A.C.S.
Article 6701d, refers to "size, colors and other
standards and specifications" adopted by the "Director
of the Department of Public Safety." The revised law
omits the reference to "color" and "size" because these
terms are included within the general category of
"standards and specifications." The revised law also omits the reference to the "Department of Public Safety" because the definition of "director" in Section 9(a), V.A.C.S. Article 6701d, as revised in this code as Section 541.002, provides that the director is the director of the Department of Public Safety.

(3) The definition of "explosive cargo vehicle" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law
Sec. 547.002. APPLICABILITY. Unless a provision is specifically made applicable, this chapter and the rules of the department adopted under this chapter do not apply to:

(1) an implement of husbandry;
(2) road machinery;
(3) a road roller;
(4) a farm tractor;
(5) a bicycle, a bicyclist, or bicycle equipment.

(V.A.C.S. Art. 6701d, Secs. 108(c), (c-1).)

Source Law
(c) The provisions of this Article and rules of the Department adopted under this Article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as herein made applicable.

(c-1) The provisions of this article do not apply to bicycles, bicyclists, or bicycle equipment unless a provision is specifically made applicable to bicycles, bicyclists, or bicycle equipment.

Revised Law
Sec. 547.003. EQUIPMENT NOT AFFECTED. This chapter does not prohibit and the department by rule may not prohibit the use of:

(1) equipment required by an agency of the United States; or

(2) a part or accessory not inconsistent with this
chapter or a rule adopted under this chapter. (V.A.C.S. Art. 6701d, Sec. 108(b).)

Source Law

(b) Nothing contained in this Article or rules of the Department shall be construed to prohibit the use on any vehicle of additional parts and accessories not inconsistent with the provisions of this Article or rules of the Department.

Revised Law

Sec. 547.004. GENERAL OFFENSES. (a) A person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:

(1) is unsafe so as to endanger a person;

(2) is not equipped in a manner that complies with the vehicle equipment standards and requirements established by this chapter; or

(3) is equipped in a manner prohibited by this chapter.

(b) A person commits an offense that is a misdemeanor if the person operates a vehicle equipped with an item of vehicle equipment that the person knows has been determined in a compliance proceeding under Section 547.206 to not comply with a department standard. (V.A.C.S. Art. 6701d, Secs. 108(a-1), (a-2).)

Source Law

(a-1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles that:

(1) is in an unsafe condition so as to endanger any person;

(2) is not equipped at all times with equipment required by and meeting standards established in this Article; or

(3) is equipped in any manner in violation of this Article.

(a-2) It is a misdemeanor for a person to operate on a public highway a vehicle that is equipped with an item of vehicle equipment that the person knows has been determined under Section 108E of this Article not to comply with a standard established by the Department.
Revisor's Note

(1) Section 108(a-1), V.A.C.S. Article 6701d, refers to "driving" a vehicle or a "combination of vehicles" "on any highway." The revised law substitutes "operate" for "driving" because "operate" is an equivalent term used most often in this subtitle. The revised law also omits the reference to a "combination of vehicles" as unnecessary because operating a combination of vehicles would constitute operating a vehicle. The revised law omits the reference to the operation of a vehicle "on any highway" as unnecessary because Section 21, V.A.C.S. Article 6701d, as revised in this code as Section 542.001, states generally that provisions of this code refer only to vehicles operated on highways.

(2) Section 108(a-2), V.A.C.S. Article 6701d, refers to the operation of a vehicle on a "public highway." Section 13(a), V.A.C.S. Article 6701d, codified in Section 541.302 of this code, defines "highway" to mean a "public" highway. That definition applies to this chapter, and the revised law is drafted accordingly.

(3) Section 108(a-3), V.A.C.S. Article 6701d, provides that a person may not perform an act prohibited or fail to perform an act required. The revised law omits this provision as unnecessary because Section 22, V.A.C.S. Article 6701d, as revised in this code as Section 542.301, imposes the same standard of behavior as a general provision for Article 6701d. The omitted law reads:

(a-3) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required under this Article.
Sec. 547.005. OFFENSE RELATING TO VIOLATION OF SPECIAL-USE PROVISIONS. (a) A person may not use a slow-moving-vehicle emblem on a stationary object or a vehicle other than a slow-moving vehicle.

(b) A person may not operate a motor vehicle bearing the words "school bus" unless the vehicle is used primarily to transport persons to or from school or a school-related activity.

In this subsection, "school" means a privately or publicly supported elementary or secondary school, day-care center, preschool, or institution of higher education and includes a church if the church is engaged in providing formal education. (V.A.C.S. Art. 6701d, Secs. 105(d); 139B, Subdiv. 4.)

Source Law

[Sec. 105]
(d) A person may not operate a motor vehicle bearing the words "school bus" unless the vehicle is used primarily to transport persons to or from school or in connection with school activities. In this subsection, "school" means a privately or publicly supported elementary or secondary school, day care center, preschool, or institution of higher education, and includes a church when the church is engaged in providing formal education.

[Sec. 139B]
Subd. 4. The use of the "slow-moving-vehicle emblem" shall be restricted to the slow-moving vehicles specified in Subdivision 1, and its use on any other type of vehicle or stationary object on the highway is prohibited.

Revisor's Note
Subdivision 4, Section 139B, V.A.C.S. Article 6701d, refers to a stationary object or a vehicle "on the highway." The revised law omits this reference for the reason stated in Revisor's Note (1) to Section 547.004 of this code.

[Sections 547.006-547.100 reserved for expansion]
SUBCHAPTER B. ADOPTION OF RULES AND STANDARDS

Revised Law

Sec. 547.101. RULES AND STANDARDS IN GENERAL. (a) The department may adopt rules necessary to administer this chapter.

(b) The department may adopt standards for vehicle equipment to:

(1) protect the public from unreasonable risk of death or injury; and

(2) enforce safety standards of the United States as permitted under the federal motor vehicle act.

(c) A department standard must:

(1) duplicate a standard of the United States that applies to the same aspect of vehicle equipment performance as the department standard; or

(2) if there is no standard of the United States for the same aspect of vehicle equipment performance as the department standard, conform as closely as possible to a relevant standard of the United States, similar standards established by other states, and a standard issued or endorsed by recognized national standard-setting organizations or agencies.

(d) The department may not adopt a vehicle equipment standard inconsistent with a standard provided by this chapter.

(V.A.C.S. Art. 6701d, Secs. 108(d); 108A(a), (c), (d).)

Source Law

[Sec. 108]

(d) The Department may adopt any rules necessary to administer this Article.

Sec. 108A. (a) The Department may establish standards that are not inconsistent with standards established by this Article for vehicle equipment for the purposes of protecting the public from unreasonable risk of death or injury and providing such enforcement of federal safety standards by the Department which is permissible under provisions of the federal motor vehicle act.

(c) If a standard has been established by a federal agency and is in effect for an item of vehicle equipment, a standard established by the Department that applies to the same aspect of performance of that item must be identical to the federal standard.

(d) If a federal standard for an aspect of
performance of an item of vehicle equipment is not in effect, a standard established by the Department for that aspect of performance of the item must conform to the greatest extent possible to any other relevant federal standards, similar standards established by other states, and standards issued or endorsed by recognized national standard-setting organizations and agencies.

Revised Law

Sec. 547.102. SCHOOL BUS EQUIPMENT STANDARDS. The department may adopt standards and specifications that:

(1) supplement the standards and specifications provided by this chapter;

(2) apply to lighting and warning device equipment required for a school bus; and

(3) at the time adopted, correlate with and conform as closely as possible to specifications approved by the Society of Automotive Engineers. (V.A.C.S. Art. 6701d, Sec. 131(d).)

Source Law

(d) The Department of Public Safety is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this Article, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.

Revisor's Note

Section 131(d), V.A.C.S. Article 6701d, provides that the department may adopt standards that are consistent with the provisions of Article 6701d. The revised law omits this reference as unnecessary because Section 547.101 of this code provides that the rules may not be inconsistent with this chapter.

Revised Law

Sec. 547.103. AIR-CONDITIONING EQUIPMENT STANDARDS. The department may adopt safety requirements, rules, and specifications that:
(1) apply to air-conditioning equipment; and
(2) correlate with and conform as closely as possible
to recommended practices or standards approved by the Society of
Automotive Engineers. (V.A.C.S. Art. 6701d, Sec. 139C(c).)

Source Law

(c) The Department of Public Safety may adopt
and enforce safety requirements, regulations and
specifications consistent with the requirements of this
section applicable to such equipment which shall
correlate with and, so far as possible, conform to the
current recommended practice or standard applicable to
such equipment approved by the Society of Automotive
Engineers.

Reviser's Note

(1) Section 139C(c), V.A.C.S. Article 6701d,
provides that the department may adopt standards that
are consistent with the provisions of Article 6701d.
The revised law omits this reference for the reason
stated in the reviser's note to Section 547.102 of this
code.

(2) Section 139C(c), V.A.C.S. Article 6701d,
provides that the department may "adopt and enforce"
safety requirements, regulations, and specifications.
The revised law omits the reference to "enforce" as
unnecessary because the department has by other law the
power to enforce its rules unless otherwise restricted.
The revised law also substitutes "rules" for
"regulations" because under Section 311.005(5),
Government Code (Code Construction Act), a regulation
is included in the definition of "rule."

Revised Law

Sec. 547.104. SLOW-MOVING-VEHICLE EMBLEM STANDARDS. The
director shall adopt standards and specifications that:
(1) apply to the color, size, and mounting position of
a slow-moving-vehicle emblem; and
(2) at the time adopted, correlate with and conform as
closely as practicable to the standards and specifications adopted or approved by the American Society of Agricultural Engineers for a uniform emblem to identify a slow-moving vehicle. (V.A.C.S. Art. 6701d, Sec. 139B, Subdiv. 2 (part).)

Source Law

Subd. 2. The Director of the Department of Public Safety shall adopt standards and specifications as to colors, size and position of mounting for a distinctive triangular emblem. . . . the standards and specifications for such emblems shall correlate with and, insofar as the Director determines to be practicable, shall conform to the then current standards and specifications adopted or approved by the American Society of Agricultural Engineers for a uniform emblem to identify slow-moving vehicles.

Revisor's Note

Subdivision 2, Section 139B, V.A.C.S. Article 6701d, refers to a "distinctive triangular emblem." The revised law omits the reference to "distinctive" as unnecessary and the reference to "triangular" because the definition of "slow-moving-vehicle emblem" in Section 547.001 of this code includes triangularity.

Revised Law

Sec. 547.105. MAINTENANCE AND SERVICE EQUIPMENT LIGHTING STANDARDS. (a) The Texas Department of Transportation shall adopt standards and specifications that:

(1) apply to lamps on highway maintenance and service equipment, including snow-removal equipment; and

(2) correlate with and conform as closely as possible to standards and specifications approved by the American Association of State Highway and Transportation Officials.

(b) The Texas Department of Transportation may adopt standards and specifications for lighting that permit the use of flashing lights for identification purposes on highway maintenance and service equipment, including snow-removal equipment.

(c) The standards and specifications adopted under this section are in lieu of the standards and specifications otherwise
provided by this chapter for lamps on vehicles. (V.A.C.S. Art. 6701d, Sec. 131(f).)

Source Law

(f) The Texas Highway Department shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this Article. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

Reviser's Note

(1) Section 131(f), V.A.C.S. Article 6701d, refers to the "Texas Highway Department." In 1991, the name of the agency was changed by amendment to Article 6663, Revised Statutes (Section 1.01, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991), to the Texas Department of Transportation. The revised law is drafted accordingly.

(2) Section 131(f), V.A.C.S. Article 6701d, refers to the operation of highway maintenance and service equipment on a highway in this state. The revised law omits the reference to operation on a highway for the reason stated in Reviser's Note (1) to Section 547.004 of this code. The revised law also omits the reference to operation of a vehicle in this state because the legislature is authorized to regulate conduct occurring only in this state.

(3) Section 131(f), 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.

[Sections 547.106-547.200 reserved for expansion]

SUBCHAPTER C. PROVISIONS RELATING TO THE OFFER, DISTRIBUTION, AND SALE OF VEHICLE EQUIPMENT

Revised Law

Sec. 547.201. OFFENSES RELATING TO THE OFFER, DISTRIBUTION, AND SALE OF VEHICLE EQUIPMENT. (a) A person may not offer or distribute for sale or sell an item of vehicle equipment for which a standard is prescribed by this chapter or the department and that does not comply with the standard. It is an affirmative defense to prosecution under this subsection that the person did not have reason to know in the exercise of due care that the item did not comply with the applicable standard.

(b) A person may not offer or distribute for sale or sell an item of vehicle equipment for which a standard is prescribed by this chapter or the department, unless the item or its package:

(1) bears the manufacturer's trademark or brand name;

or

(2) complies with each applicable identification requirement established by an agency of the United States or the department. (V.A.C.S. Art. 6701d, Secs. 108A(b), (e); 108C.)

Source Law

[Sec. 108A]

(b) A person may not sell, offer to sell, or distribute for sale any item of vehicle equipment for which a standard is in effect as provided by this Article or by rule of the Department adopted under this Article, unless the item complies with the applicable standard.

(e) Each sale or distribution for sale of or offer to sell an item of vehicle equipment in violation of Subsection (b) of this section is a separate offense; provided that it is an affirmative defense to prosecution under this Section that the person did not have reason to know, in the exercise of due care that the item of equipment was not in compliance with the applicable standard.

Sec. 108C. A person may not sell, offer to sell, or distribute for sale in this State an item of vehicle equipment for which a standard has been established by this Article or the Department and is in effect unless
the item or its package bears the manufacturer's trademark or brand name or unless it complies with applicable identification requirements of a federal agency and the Department.

Revisor's Note

(1) Section 108A(e), V.A.C.S. Article 6701d, provides that each offer or distribution for sale and each sale in violation of Subsection (b) of that section is a separate offense. This provision is omitted as unnecessary because Section 108A(b) is revised in the singular, thus making each act a separate offense.

(2) Section 108C, V.A.C.S. Article 6701d, refers to the sale of an item of vehicle equipment "in this State." The revised law omits the quoted phrase as unnecessary because in the absence of express language, state law may regulate only conduct in this state.

Revised Law

Sec. 547.202. DEPARTMENT CERTIFICATION OR APPROVAL OF VEHICLE EQUIPMENT. (a) When or after an item of vehicle equipment is sold in this state, the department shall determine whether a department standard is prescribed for the item. If a department standard is prescribed, the department shall determine whether the item complies with the standard.

(b) If a standard of an agency of the United States or of the department is not prescribed, the department by rule may require departmental approval before the sale of the item. (V.A.C.S. Art. 6701d, Secs. 108D(a), (f).)

Source Law

Sec. 108D. (a) Concurrent with the first sale within this State of an item of vehicle equipment or thereafter, the Department shall determine whether the item is one for which a standard has been established under Section 108A of this Act, and if so, whether the item complies with the standard.

(f) The Department by rule may require its approval before the sale of an item of vehicle equipment for which a standard established by a federal
agency or the Department is not in effect.

Revised Law

Sec. 547.203. VEHICLE EQUIPMENT TESTING: DEPARTMENT STANDARDS. (a) The department shall prescribe standards for and approve testing facilities to:

(1) review test data submitted by a manufacturer to show compliance with a department standard; and

(2) test an item of vehicle equipment independently in connection with a proceeding to determine compliance with a department standard.

(b) The department may not impose a product certification or approval fee, including a fee for testing facility approval.

(c) The department may:

(1) by rule, require a manufacturer of an item of vehicle equipment sold in this state to submit adequate test data to show that the item complies with department standards;

(2) periodically require a manufacturer to submit revised test data to demonstrate continuing compliance;

(3) purchase an item of vehicle equipment at retail for the purpose of review and testing under Subsection (a); and

(4) enter into cooperative arrangements with other states and interstate agencies to reduce duplication of testing and to facilitate compliance with rules under Subsection (c)(1).

(V.A.C.S. Art. 6701d, Secs. 108D(b), (c), (d), (e), (g) (part).)

Source Law

(b) The Department by rule may require the manufacturer of an item of vehicle equipment to submit, concurrent with the first sale of the item in this State or thereafter, adequate test data showing that the item complies with any applicable standards established by the Department. The Department may periodically require a manufacturer to submit revised test data demonstrating continuing compliance.

(c) The Department shall establish standards for and approve testing laboratories and facilities to review reports submitted under Subsection (b) of this section and to test an item independently for compliance under Section 108E of this Act.

(d) The Department may purchase an item of vehicle equipment at retail for purposes of testing and review under Subsection (c) of this section.
(e) In performing its duties under this section, the Department may enter into cooperative arrangements with other states and interstate agencies to minimize duplication of testing and to facilitate compliance by manufacturers and sellers with any requirements under Subsection (b) of this section.

(g) The Department . . . may not impose product certification or approval fees, including fees for laboratory approvals.

Reviser's Note
Sections 108D(c) and (g), V.A.C.S. Article 6701d, refer to testing "laboratories" and "facilities." The revised law omits the references to "laboratories" because "laboratories" is included within the meaning of "facilities."

Revised Law
Sec. 547.204. VEHICLE EQUIPMENT TESTING: FEDERAL STANDARDS.
(a) For a vehicle or item of vehicle equipment subject to a motor vehicle safety standard of the United States, the department may, on or after the first sale of the vehicle or item of vehicle equipment:

(1) require the manufacturer to submit adequate test data to show that the vehicle or item of vehicle equipment complies with standards of the United States;

(2) review the manufacturer's laboratory test data and the qualifications of the laboratory; and

(3) independently test the vehicle or item of vehicle equipment.

(b) The department may not require certification or approval of an item of vehicle equipment subject to a motor vehicle safety standard of the United States.

(c) The department may not require a manufacturer of a vehicle or of an item of vehicle equipment subject to a motor vehicle safety standard of the United States to use an outside laboratory or a specified laboratory. (V.A.C.S. Art. 6701d, Secs. 108D(g) (part), (h).)
Source Law

(g) The Department may not require certification or approval of motor vehicle equipment subject to federal motor vehicle safety standards.
(h) The Department may undertake independent testing of vehicles and equipment subject to federal motor vehicle safety standards and may require manufacturers to submit adequate test data concurrently with first sale or thereafter, showing compliance with federal standards. The Department may review a manufacturer's laboratory testing data as well as the qualifications of the laboratory selected by the manufacturer. However, the Department may not require manufacturers to use outside laboratories or specified laboratories.

Revised Law

Sec. 547.205. INITIATION OF COMPLIANCE PROCEEDING. (a) The department may initiate a proceeding to determine whether an item of vehicle equipment complies with a department standard if the department reasonably believes that the item is being offered or distributed for sale or sold in violation of the standard.
(b) The department shall send written notice of the proceeding to the manufacturer of the item by certified mail, return receipt requested.
(c) The notice required by Subsection (b) must:
   (1) cite the standard that the item allegedly violates; and
   (2) state that the manufacturer must file a written request with the department for a hearing not later than the 30th day after the date the notice is received to obtain a hearing on the issue of compliance.
(d) When the department sends notice under Subsection (b), the department shall require the manufacturer to submit to the department, not later than the 30th day after the date the notice is received, the names and addresses of the persons the manufacturer knows to be offering the item for sale to retail merchants.
(e) On receipt under Subsection (d) of the names and addresses, the department shall send by certified mail, return receipt requested, written notice of the compliance proceeding to
those persons.

(f) The notice must:

(1) cite the standard that the item allegedly violates;

(2) state that the manufacturer of the item has been notified and may request a hearing on the issue of compliance before a stated date;

(3) state that if the manufacturer or another person requests a hearing, the person may appear at the hearing;

(4) state that if the manufacturer does not request a hearing, the person may request a hearing by filing a written request with the department not later than the 30th day after the date notice is received; and

(5) state that the person may determine from the department whether a hearing will be held and the time and place of the hearing. (V.A.C.S. Art. 6701d, Secs. 108E(a), (b), (c).)

Source Law

Sec. 108E. (a) If the Department has reason to believe that an item of vehicle equipment is being sold, offered for sale, or distributed for sale in this State in violation of a standard established by the Department and applicable at the time of the sale or offer, the Department may initiate proceedings to determine whether or not the item complies with the standard.

(b) The Department shall deliver to the manufacturer of the item by certified mail, return receipt requested, written notice of the proceedings. The notice must:

(1) include a citation to the standard that the item allegedly violates; and

(2) state that if the manufacturer desires a hearing on the issue of compliance, he must file with the Department a written request for the hearing not later than the 30th day after the date the notice is received.

(c) At the same time that notice under Subsection (b) of this section is delivered, the Department shall require a manufacturer to submit to the Department not later than the 30th day after the date the notice is received a list of the names and addresses of persons that the manufacturer knows to be offering the item for sale to retail merchants. On receipt of a list submitted under this subsection, the Department shall deliver by certified mail, return receipt requested, to each person whose name appears on the list written notice of the proceedings. The notice must include a citation to the standard that the item allegedly violates and state that:

(1) the manufacturer of the item has been...
notified and may before a stated date request a hearing on the issue of compliance;
(2) if the manufacturer or another person requests a hearing, the person may appear at the hearing;
(3) if the manufacturer does not request a hearing, the person may request a hearing by filing a written request with the Department not later than the 30th day after the date the notice is received; and
(4) the person may contact the Department to determine whether a hearing is to be held and if so, the time and place of the hearing.

Revised Law
Sec. 547.206. COMPLIANCE PROCEEDING HEARING. The department shall conduct a hearing on the issue of compliance if a person required by Section 547.205 to be notified requests a hearing in the manner and within the time specified by that section.
(V.A.C.S. Art. 6701d, Sec. 108E(d) (part).)

Source Law
(d) If a manufacturer or other person notified under Subsection (b) or (c) of this section requests a hearing as provided by those subsections, the Department shall conduct a hearing on the issue of compliance.

Revised Law
Sec. 547.207. COMPLIANCE PROCEEDING ISSUES. (a) In a hearing under Section 547.206 or in the absence of a request for a hearing, the department may make a determination of the following issues only:

(1) whether an item of vehicle equipment has been offered, distributed, or sold in violation of a department standard;
(2) whether the manufacturer did not submit test data required by the department under Section 547.203; and
(3) whether an item of vehicle equipment has been offered, distributed, or sold without the identification required by Section 547.201.

(b) The department by order shall prohibit the manufacture, offer for sale, distribution for sale, or sale of the item if the department finds affirmatively on at least one of the issues.

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(c) After entering its order, the department shall send written notice by certified mail, return receipt requested, to each person the department notified under Section 547.205. (V.A.C.S. Art. 6701d, Secs. 108E(d) (part), (e), (f).)

Source Law

(d) ... If a hearing is not requested within the period required by Subsection (b) or (c) of this section, the Department is not required to conduct a hearing.

(e) In a determination of whether an item of vehicle equipment complies with a standard established by the Department, the only issues that may be decided are:

(l) whether an item of vehicle equipment has been sold, offered for sale, or distributed for sale in this State in violation of a standard for the item established by the Department;

(2) whether the manufacturer failed to make a submission required by Subsection (b) of Section 108D of this Act; and

(3) whether an item of vehicle equipment has been sold, offered for sale, or distributed for sale in this State in violation of Section 108C of this Act.

(f) If the Department finds in the affirmative one of the issues in Subsection (e) of this section, the Department shall enter an order prohibiting the manufacture, sale, offer for sale, and distribution for sale of the item in this State. After entering an order under this subsection, the Department shall deliver written notice of the order by certified mail, return receipt requested, to each person whom the Department notified regarding the proceedings on compliance.

Revised Law

Sec. 547.208. JUDICIAL REVIEW AND JUDICIAL ENFORCEMENT. (a)

A person may appeal an order entered under Section 547.207 to a district court in Travis County only if a hearing was held by the department and the person:

(1) is aggrieved by the order; and

(2) appeared at the hearing on compliance.

(b) The department may bring suit in a district court of Travis County for an injunction to prohibit the manufacture, offer, distribution, or sale of an item of vehicle equipment that is the subject of a department order entered under Section 547.207. The attorney general shall represent the department in the suit. (V.A.C.S. Art. 6701d, Secs. 108E(g), 108F.)
Source Law

[Sec. 108E]

(g) A person who is aggrieved by an order entered under Subsection (f) of this section after a hearing and who appeared at the hearing may appeal the order to a district court in Travis County. Review of the order shall be under the substantial evidence rule.

Sec. 108F. The Department may bring an action in a district court of Travis County to enjoin the manufacture, sale, offer for sale, and distribution for sale in this State of an item of vehicle equipment that is the subject of an order entered under Subsection (f) of Section 108E of this Act. The attorney general shall represent the Department in a suit under this section.

Revisor's Note

Section 108E(g), V.A.C.S. Article 6701d, provides that judicial review of a department order will be under the substantial evidence rule. The revised law omits as unnecessary the reference to the substantial evidence rule. Section 2001.174, Government Code (the administrative procedure law), requires a court to review a decision in a contested case under the substantial evidence rule if the law authorizing the proceeding does not state a standard of review.

[Sections 547.209-547.300 reserved for expansion]

SUBCHAPTER D. GENERAL PROVISIONS REGARDING LIGHTING REQUIREMENTS

Revised Law

Sec. 547.301. GENERAL PROVISIONS RELATING TO MEASUREMENTS.

(a) Unless expressly stated otherwise, a visibility distance requirement imposed by this chapter for a lamp or device applies when a lighted lamp or device is required and is measured as if the vehicle were unloaded and on a straight, level, unlighted highway under normal atmospheric conditions.

(b) A mounted height requirement imposed by this chapter for a lamp or device is measured as if the vehicle were unloaded and on level ground and is measured from the center of the lamp or device to the ground. (V.A.C.S. Art. 6701d, Secs. 109(b), (c).)
Source Law

(b) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Revisor's Note

Section 109(b), V.A.C.S. Article 6701d, refers to the "distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible." The revised law refers to "a visibility distance requirement imposed by this chapter" because the visibility distance requirements in this chapter are the requirements specifically described in this section.

Revised Law

Sec. 547.302. DUTY TO DISPLAY LIGHTS. (a) A vehicle shall display each lighted lamp and illuminating device required by this chapter to be on the vehicle:

(1) at nighttime; and

(2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.

(b) A signaling device, including a stoplamp or a turn signal lamp, shall be lighted as prescribed by this chapter.

(c) At least one lighted lamp shall be displayed on each side of the front of a motor vehicle.

(d) Not more than four of the following may be lighted at one time on the front of a motor vehicle:
(1) a headlamp required by this chapter; or
(2) a lamp, including an auxiliary lamp or spotlamp, that projects a beam with an intensity brighter than 300 candlepower. (V.A.C.S. Art. 6701d, Secs. 109(a), 130.)

Source Law

Sec. 109. (a) Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

Sec. 130. (a) At all times specified in Section 109, at least two (2) lighted lamps shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Revisor's Note
(1) Section 109(a), V.A.C.S. Article 6701d, refers to a vehicle "upon a highway within this State."
Section 130(b), V.A.C.S. Article 6701d, refers to a vehicle "upon a highway." The revised law omits the quoted phrases for the reasons stated in Revisor's Note (2) to Section 547.105 of this code.
Section 109(a) also refers to "any time from a half hour after sunset to a half hour before sunrise."
The revised law substitutes "nighttime" for the quoted phrase to conform to the definition of "nighttime" in Section 541.401 of this code.
Section 109(a) also provides for a general rule that is "subject to exceptions with respect to parked"
vehicles.** Section 130(a) also requires lights to be displayed "except when such vehicle is parked subject to the regulations governing lights on parked vehicles." The revised law omits the quoted phrases because those exceptions clearly apply without the need of a reference to the exceptions in this section.

(2) Section 130(a), V.A.C.S. Article 6701d, provides that at least two lighted lamps shall be displayed "[at] all times specified in Section 109." The revised law omits the quoted phrase because the general provision in Section 109(a), V.A.C.S. Article 6701d, as revised in Subsection (a) of this section, provides when lamps shall be displayed.

**Revised Law**

Sec. 547.303. COLOR REQUIREMENTS. (a) Unless expressly provided otherwise, a lighting device or reflector mounted on the rear of a vehicle must be or reflect red.

(b) A signaling device mounted on the rear of a vehicle may be red, amber, or yellow. (V.A.C.S. Art. 6701d, Sec. 115(c) (part).)

**Source Law**

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except . . . .

**Revisor's Note**

Section 115(c), V.A.C.S. Article 6701d, provides exceptions to the general rule for stoplamps, rear license plate lamps, and backup lamps. The revised law omits the reference to these exceptions and provides "unless expressly provided otherwise," because the color requirements imposed for stoplamps appear in Section 124(e), V.A.C.S. Article 6701d, as revised in
this code as Section 547.323(d), the color requirements imposed for rear license plate lamps appear in Section 111(c), V.A.C.S. Article 6701d, as revised in this code as Section 547.322(f), and the color requirements imposed by this section for backup lamps appear in Sections 115 and 125, V.A.C.S. Article 6701d, as revised in this code as Section 547.332(3).

Revised Law

Sec. 547.304. APPLICABILITY. (a) A provision of this chapter that requires a vehicle to be equipped with fixed electric lights does not apply to a farm trailer or fertilizer trailer registered under Section 502.276 or a boat trailer with a gross weight of 3,000 pounds or less if the trailer is not operated at a time or under a condition specified by Section 547.302(a).

(b) Except for Sections 547.323 and 547.324, a provision of this chapter that requires a vehicle to be equipped with fixed electric lights does not apply to a boat trailer with a gross weight of less than 4,500 pounds if the trailer is not operated at a time or under a condition specified by Section 547.302(a).

(c) Except for Sections 547.323 and 547.324, a provision of this chapter that requires a vehicle to be equipped with lamps, reflectors, and lighting equipment does not apply to a mobile home if the mobile home:

(1) is moved under a permit issued by the Texas Department of Transportation under Subchapter D, Chapter 623; and

(2) is not moved at a time or under a condition specified by Section 547.302(a).

(d) A mobile home lighted as provided by this section may be moved only during daytime. (V.A.C.S. Art. 6701d, Sec. 110A.)

Source Law

Sec. 110A. (a) The requirements of this Act requiring the installation of fixed electric lights on vehicles do not apply to farm trailers and fertilizer trailers registered as such under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2,
Vernon's Texas Civil Statutes), if they are operated on the highways only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead.

(b) Except for Section 118 of this Act, the provisions of this Act requiring the installation of fixed electric lights on vehicles do not apply to boat trailers with a gross weight of less than four thousand, five hundred (4,500) pounds, if they are operated on the highways only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead. Boat trailers with a gross weight of not more than three thousand (3,000) pounds are exempt from all provisions of this Act requiring the installation of electric lights on vehicles, including the provisions of Section 118, if they are operated on the highways only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead.

(c) Except for Section 118 of this Act, the provisions of this Act relating to lamps, reflectors, and lighting equipment do not apply to a mobile home if it is moved over the highways only during daytime and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of one thousand (1,000) feet ahead, and if the mobile home is being moved pursuant to a special permit issued by the State Highway Department under Chapter 41, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701a, Vernon's Texas Civil Statutes). In no event may a mobile home lighted as provided in this section move on the highways other than at daytime.

Revisor's Note

(1) Section 110A, V.A.C.S. Article 6701d, refers to the operation of a vehicle on a highway. The revised law omits this reference for the reason stated in Revisor's Note (1) to Section 547.004 of this code.

(2) Section 110A(a), V.A.C.S. Article 6701d, refers to Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes). The pertinent part of that section is codified as Section 502.276 of this code, and the revised law is drafted accordingly.

(3) Section 110A(c), V.A.C.S. Article 6701d,
refers to Chapter 41, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6701a, Vernon's Texas Civil Statutes). The pertinent part of that statute is codified in Subchapter D, Chapter 623, of this code, and the revised law is drafted accordingly.

(4) Section 110A, V.A.C.S. Article 6701d, refers to a vehicle being moved "only during daytime, and not at times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand (1,000) feet ahead." The quoted reference is omitted from the revised law and a reference to "at a time or under a condition specified by Section 547.302(a)" is substituted. Section 547.302(a) of this code specifies "nighttime" and "when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead."

(5) Section 110A(c), V.A.C.S. Article 6701d, refers to the State Highway Department. The name of that agency is now the Texas Department of Transportation, and the revised law is drafted accordingly. See the reviser's note to Section 201.003 of this code.

Revised Law

Sec. 547.305. RESTRICTIONS ON USE OF LIGHTS. (a) A motor vehicle lamp or illuminating device, other than a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or emergency vehicle or school bus warning lamp, that projects a beam with an intensity brighter than 300 candlepower shall be directed so that no part of the high-intensity portion of the beam strikes the roadway at a distance of more than 75 feet from the vehicle.
(b) Except as expressly authorized by law, a person may not operate or move equipment or a vehicle, other than a police vehicle, with a lamp or device that displays a red light visible from directly in front of the center of the equipment or vehicle.

(c) A person may not operate a motor vehicle equipped with a red, white, or blue beacon, flashing, or alternating light unless the equipment is:

(1) used as specifically authorized by this chapter; or

(2) a running lamp, headlamp, taillamp, backup lamp, or turn signal lamp that is used as authorized by law.

(d) A vehicle may be equipped with alternately flashing lighting equipment described by Section 547.701 or 547.702 only if the vehicle is:

(1) a school bus;

(2) an authorized emergency vehicle;

(3) a church bus that has the words "church bus" printed on the front and rear of the bus so as to be clearly discernible to other vehicle operators; or

(4) a tow truck while under the direction of a law enforcement officer at the scene of an accident or while hooking up to a disabled vehicle on a roadway.

(e) A person may not operate highway maintenance or service equipment, including snow-removal equipment, that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by the Texas Department of Transportation.

(f) In this section "tow truck" means a motor vehicle or mechanical device that is adapted or used to tow, winch, or move a disabled vehicle. (V.A.C.S. Art. 6701d, Secs. 2(p) (as added Ch. 925, Acts 70th Leg., R.S., 1987); 124(b) (part), (d); 131(a), (b), (c), (g).)
(p) "Tow truck" means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled vehicles.

[Sec. 124]

(b) ... A church bus may be equipped with signal lamps of the type authorized for school buses if it has the words "Church Bus" printed on the front and rear of the bus, and the words are clearly discernible to drivers of other vehicles.

(d) The alternately flashing lighting described in Subsections (b) and (c) of this section shall not be used on any vehicle other than a school bus, a church bus, an authorized emergency vehicle, or a tow truck while under the direction of a law enforcement officer at the scene of an accident or while hooking up to a disabled vehicle in the roadway.

Sec. 131. (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This Section shall not apply to police vehicles or to any vehicle upon which a red light visible from the front is expressly authorized or required by law.

(c) Except as authorized or required in Sections 105, 122, 124, 125 and this section, a person may not operate a motor vehicle equipped with a beacon, flashing, or alternating light that is red, white, or blue in color. This subsection does not prohibit the use of running lights, headlights, taillights, backup lights, or turn signal lights, in a manner authorized by law.

(g) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Reviser's Note

(1) Section 131(b), V.A.C.S. Article 6701d, provides that a person may not "drive" a vehicle "upon any highway" under certain circumstances. The revised law substitutes the equivalent term "operate" to conform to the terminology of this code. The revised
law also omits the reference to operation on a highway for the reason stated in Reviser's Note (1) to Section 547.004 of this code.

Section 131(b) also provides that it is not applicable to "any vehicle upon which a red light visible from the front is expressly authorized or required by law." The revised law omits the reference to "required" by law because "required" is included within the meaning of "authorized."

(2) Section 131(c), V.A.C.S. Article 6701d, provides that a person may not operate a vehicle equipped in a certain manner "[e]xcept as authorized or required in Sections 105, 122, 124, 125 and this section." The revised law omits this specific reference and substitutes "unless the equipment is used as specifically authorized by this chapter" because the referenced sections are the only sections that provide an exception to the general rule stated in this section.

(3) Section 131(g), V.A.C.S. Article 6701d, refers to highway maintenance and service equipment operated "on any highway." The revised law omits the quoted phrase for the reason stated in Reviser's Note (1) to Section 547.004 of this code.

[Sections 547.306-547.320 reserved for expansion]

SUBCHAPTER E. GENERAL LIGHTING REQUIREMENTS FOR VEHICLES

Revised Law

Sec. 547.321. HEADLAMPS REQUIRED. (a) A motor vehicle shall be equipped with at least two headlamps.

(b) At least one headlamp shall be mounted on each side of the front of the vehicle.

(c) Each headlamp shall be mounted at a height from 24 to 54 inches. (V.A.C.S. Art. 6701d, Sec. 110.)
Sec. 110. (a) Every motor vehicle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this Article.

(b) Every head lamp upon every motor vehicle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Subsection (c) of Section 109.

Revisor's Note

(1) Section 110(a), V.A.C.S. Article 6701d, indicates that "head lamps shall comply with the requirements and limitations set forth in this Article." The revised law omits the quoted phrase because all equipment must comply with the requirements and limitations imposed by the statute.

(2) Section 110(b), V.A.C.S. Article 6701d, indicates that headlamps must be mounted at a specific height "to be measured as set forth in Subsection (c) of Section 109" (Section 547.301(b) of the revised law). The method by which mounting heights are measured is in the general provisions for lights in the revised law. Accordingly, the revised law omits this reference as redundant.

In addition, the mounted height range referred to in Section 110(b) is revised to conform to Section 311.015, Government Code (Code Construction Act), applicable to the revised law. That provision states that the first and last numbers of a series of numbers are included in the series.

Revised Law

Sec. 547.322. TAILLAMPS REQUIRED. (a) Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, pole trailer, or vehicle that is towed at the end of a combination of vehicles shall be equipped with at least two taillamps.
(b) A passenger car or truck that was manufactured or assembled before the model year 1960 shall be equipped with at least one taillamp.

(c) Taillamps shall be mounted on the rear of the vehicle:
   (1) at a height from 15 to 72 inches; and
   (2) at the same level and spaced as widely apart as practicable if a vehicle is equipped with more than one lamp.

(d) A taillamp shall emit a red light plainly visible at a distance of 1,000 feet from the rear of the vehicle.

(e) If vehicles are traveling in combination, only the taillamps on the rearmost vehicle are required to emit a light for the distance specified in Subsection (d).

(f) A taillamp or a separate lamp shall be constructed and mounted to emit a white light that:
   (1) illuminates the rear license plate; and
   (2) makes the plate clearly legible at a distance of 50 feet from the rear.

(g) A taillamp, including a separate lamp used to illuminate a rear license plate, must emit a light when a headlamp or auxiliary driving lamp is lighted. (V.A.C.S. Art. 6701d, Secs. 111, 115(c) (part).)

Source Law

Sec. 111. (a) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear which, when lighted as required in Section 109, shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, except that passenger cars and trucks manufactured or assembled prior to model year 1960 shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than fifteen (15) inches.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to
the rear. Any tail lamp or tail lamps, together with
any separate lamp or lamps for illuminating the rear
registration plate, shall be so wired as to be lighted
whenever the head lamps or auxiliary driving lamps are
lighted.

[Sec. 115]
(c) . . . that the light illuminating the license plate shall be white . . . .

Revisor's Note

(1) Section 111(a), V.A.C.S. Article 6701d, provides that the requirements for taillamps are imposed "[a]fter January 1, 1972." The revised law omits as executed the reference to this date.

Section 111(a) also provides that taillamps shall emit a red light for a specified distance "when lighted as required in Section 109" (Section 547.302(a) of this code). Section 109(b), Article 6701d, as revised in this code as Section 547.301(a), provides as a general provision that a visibility distance requirement applies when lighted lamps are required. Accordingly, the revised law omits this reference as redundant.

(2) The mounted height range referred to in Section 111(b), V.A.C.S. Article 6701d, is revised for the reason stated in Revisor's Note (2) to Section 547.321 of this code.

(3) Section 111(c), V.A.C.S. Article 6701d, refers to a rear "registration plate." The revised law substitutes "license plate" to conform to the terminology used in the vehicle registration provisions of this code.

Revised Law

Sec. 547.323. STOPLAMPS REQUIRED. (a) Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, or pole trailer shall be equipped with at least two stoplamps.

(b) A passenger car manufactured or assembled before the model year 1960 shall be equipped with at least one stoplamp.
(c) A stoplamp shall be mounted on the rear of the vehicle.

(d) A stoplamp shall emit a red or amber light, or a color between red and amber, that is:

(1) visible in normal sunlight at a distance of at least 300 feet from the rear of the vehicle; and

(2) displayed when the vehicle service brake is applied.

(e) If vehicles are traveling in combination, only the stoplamps on the rearmost vehicle are required to emit a light for the distance specified in Subsection (d).

(f) A stoplamp may be included as a part of another rear lamp. (V.A.C.S. Art. 6701d, Secs. 118(a), 124(e).)

Source Law

Sec. 118. (a) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of Section 124, except that passenger cars manufactured or assembled prior to the model year 1960, shall be equipped with at least one (1) stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in Section 124.

(Sec. 124)

(e) Any vehicle may be equipped and when required under this Act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

Revisor's Note

(1) Section 118(a), V.A.C.S. Article 6701d, indicates that the requirements for stoplamps are imposed "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

(2) Section 124(e), V.A.C.S. Article 6701d, indicates that a vehicle "may be equipped and when required under this Act shall be equipped" with stoplamps. The revised law omits the quoted phrase as
unnecessary because a person must equip a vehicle as required in this chapter and may equip a vehicle with any equipment not prohibited by this chapter.

Revised Law
Sec. 547.324. TURN SIGNAL LAMPS REQUIRED. (a) Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, or pole trailer shall be equipped with electric turn signal lamps that indicate the operator's intent to turn by displaying flashing lights to the front and rear of a vehicle or combination of vehicles and on that side of the vehicle or combination toward which the turn is to be made.

(b) Subsection (a) does not apply to a passenger car or truck less than 80 inches wide manufactured or assembled before the model year 1960.

(c) Turn signal lamps:
(1) shall be mounted at the same level and spaced as widely apart as practicable on the front and on the rear of the vehicle; and

(2) may be included as a part of another lamp on the vehicle.

(d) A turn signal lamp shall emit:
(1) a white or amber light, or a color between white and amber, if the lamp is mounted on the front of the vehicle; or

(2) a red or amber light, or a color between red and amber, if the lamp is mounted on the rear of the vehicle.

(e) A turn signal lamp must be visible in normal sunlight at a distance of:
(1) at least 500 feet from the front and rear of the vehicle if the vehicle is at least 80 inches wide; and

(2) at least 300 feet from the front and rear of the vehicle if the vehicle is less than 80 inches wide. (V.A.C.S. Art. 6701d, Secs. 118(b), 124(f).)
Source Law

[Sec. 118]
(b) After January 1, 1972, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of Section 124, except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to model year 1960, need not be equipped with electric turn signal lamps.

[Sec. 124]
(f) Any vehicle may be equipped and when required under this Act shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty (80) inches or more in overall width shall be visible from a distance of not less than five hundred (500) feet to the front and rear in normal sunlight. Turn signal lamps on vehicles less than eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

Revisor's Note

(1) Section 118(b), V.A.C.S. Article 6701d, provides that the requirements for electric turn signal lamps are imposed "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

(2) Section 124(f), V.A.C.S. Article 6701d, indicates that a vehicle "may be equipped and when required under this Act shall be equipped" with electric turn signal lamps. The revised law omits the quoted phrase as unnecessary for the reasons stated in Revisor's Note (2) to Section 547.323 of this code.

Revised Law

Sec. 547.325. REFLECTORS REQUIRED. (a) Except as provided by Subchapter F, a motor vehicle, trailer, semitrailer, or pole trailer shall be equipped with at least two red reflectors on the
rear of the vehicle. A red reflector may be included as a part of
a taillamp.

(b) A reflector shall be:

(1) mounted at a height from 15 to 60 inches; and

(2) visible at night at all distances:

(A) from 100 to 600 feet when directly in front

of lawful lower beams of headlamps; or

(B) from 100 to 350 feet when directly in front

of lawful upper beams of headlamps if the vehicle was manufactured

or assembled before January 1, 1972. (V.A.C.S. Art. 6701d, Sec.

112.)

Source Law

Sec. 112. (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear,
either as a part of the tail lamps or separately, two
(2) or more red reflectors meeting the requirements of
this section; provided, however, that vehicles of the
types mentioned in Section 114 shall be equipped with
reflectors meeting the requirements of Sections 116 and
117.

(b) Every such reflector shall be mounted on the
vehicle at a height not less than fifteen (15) inches
nor more than sixty (60) inches measured as set forth
in Subsection (c) of Section 109, and shall be of such
size and characteristics and so mounted as to be
visible at night from all distances within six hundred
(600) feet to one hundred (100) feet from such vehicle
when directly in front of lawful lower beams of head
lamps, except that reflectors on vehicles manufactured
or assembled prior to January 1, 1972, shall be visible
at night from all distances within three hundred and
fifty (350) feet to one hundred (100) feet when
directly in front of lawful upper beams of the head
lamps.

Revisor's Note

(1) Section 112(a), V.A.C.S. Article 6701d,
provides that "vehicles of the types mentioned in
Section 114 shall be equipped with reflectors meeting
the requirements of Sections 116 and 117." The revised
law refers to Subchapter F because Sections 114, 116,
and 117 are all included in Subchapter F of this
chapter.

(2) Section 112(b), V.A.C.S. Article 6701d,
provides that reflectors must be mounted at a specific height "measured as set forth in Subsection (c) of Section 109" (Section 547.301(b) of this code). The revised law omits this reference for the reasons stated in Reviser's Note (2) to Section 547.321 of this code.

In addition, the mounted height range referred to in Section 112(b) is revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

Revised Law
Sec. 547.326. MINIMUM LIGHTING EQUIPMENT REQUIRED. (a) A vehicle that is not specifically required to be equipped with lamps or other lighting devices shall be equipped at the times specified in Section 547.302(a) with at least one lamp that emits a white light visible at a distance of at least 1,000 feet from the front and:

(1) two lamps that emit a red light visible at a distance of at least 1,000 feet from the rear; or

(2) one lamp that emits a red light visible at a distance of at least 1,000 feet from the rear and two red reflectors visible when illuminated by the lawful lower beams of headlamps at all distances from 100 to 600 feet to the rear.

(b) This section also applies to an animal-drawn vehicle and a vehicle exempted from this chapter by Section 547.002. (V.A.C.S. Art. 6701d, Sec. 122(e).)

Source Law
(e) Every vehicle including animal-drawn vehicles and vehicles referred to in Section 108(c), not specifically required by the provisions of this article to be equipped with lamps or other lighting devices shall at all times specified in Section 109 of this Act be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two red reflectors visible from all distances of six hundred (600) to one hundred (100) feet to the rear when
illuminated by the lawful lower beams of head lamps.

Revised Law
Sec. 547.327. SPOTLAMPS PERMITTED. (a) A motor vehicle may be equipped with not more than two spotlamps.

(b) A spotlamp shall be aimed so that no part of the high-intensity portion of the beam strikes the windshield, window, mirror, or occupant of another vehicle in use. (V.A.C.S. Art. 6701d, Sec. 123(a).)

Source Law
Sec. 123. (a) Spot lamps. Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

Revisor's Note
Section 123(a), V.A.C.S. Article 6701d, indicates that no spotlamp may be "aimed and used" in a particular manner. The revised law omits the reference to "used" because a spotlamp that is aimed properly cannot be used in a manner prohibited by this section. Accordingly, the revised law includes the substantive prohibition against "using" in the context of the reference to "aiming."

Revised Law
Sec. 547.328. FOG LAMPS PERMITTED. (a) A motor vehicle may be equipped with not more than two fog lamps.

(b) A fog lamp shall be:

(1) mounted on the front of the vehicle at a height from 12 to 30 inches; and

(2) aimed so that no part of the high-intensity portion of the beam from a lamp mounted to the left of center on a vehicle projects a beam of light at a distance of 25 feet that is higher than four inches below the level of the center of the lamp.
(c) Lighted fog lamps may be used with lower headlamp beams as specified by Section 547.333. (V.A.C.S. Art. 6701d, Sec. 123(b).)

Source Law

(b) Fog lamps. Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height of not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in Section 126.

Reviser's Note

Section 123(b), V.A.C.S. Article 6701d, provides that a fog lamp must be mounted 12 to 30 inches "above the level surface upon which the vehicle stands." The revised law omits the quoted phrase as unnecessary because Section 109(c), V.A.C.S. Article 6701d, as revised in this code as Section 547.301(b), provides that all mounting heights are measured from the level ground on which the vehicle stands.

In addition, the mounted height range referred to in Section 123(b) is revised for the reason stated in Revisor's Note (2) to Section 547.321 of this code.

Section 123(b) also refers to a visibility distance requirement for an unloaded vehicle. The revised law omits the reference to the unloaded vehicle as unnecessary because Section 109(b), Article 6701d, as revised in this code as Section 547.301(a), provides as a general provision that visibility distances are measured as if the vehicle were unloaded.

Revised Law

Sec. 547.329. AUXILIARY PASSING LAMPS PERMITTED. (a) A
motor vehicle may be equipped with no more than two auxiliary passing lamps.

(b) An auxiliary passing lamp shall be mounted on the front of the vehicle at a height from 24 to 42 inches.

(c) An auxiliary passing lamp may be used with headlamps as specified by Section 547.333. (V.A.C.S. Art. 6701d, Sec. 123(c).)

Source Law

(c) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 126 shall apply to any combination of head lamps and auxiliary passing lamps.

Reviser's Note

Section 123(c), V.A.C.S. Article 6701d, provides that an auxiliary passing lamp must be mounted 24 to 42 inches "above the level surface upon which the vehicle stands." The revised law omits the quoted phrase for the reason stated in the revisor's note to Section 547.328 of this code.

In addition, the mounted height range referred to in Section 123(c) is revised for the reason stated in Revisor's Note (2) to Section 547.321 of this code.

Revised Law

Sec. 547.330. AUXILIARY DRIVING LAMPS PERMITTED. (a) A motor vehicle may be equipped with no more than two auxiliary driving lamps.

(b) An auxiliary driving lamp shall be mounted on the front of the vehicle at a height from 16 to 42 inches.

(c) Auxiliary driving lamps may be used with headlamps as specified by Section 547.333. (V.A.C.S. Art. 6701d, Sec. 123(d).)

Source Law

(d) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height of not
less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 126 shall apply to any combination of head lamps and auxiliary driving lamps.

Reviser's Note

Section 123(d), V.A.C.S. Article 6701d, provides that an auxiliary passing lamp must be mounted 24 to 42 inches "above the level surface upon which the vehicle stands." The revised law omits the quoted phrase for the reason stated in the reviser's note to Section 547.328 of this code.

In addition, the mounted height range referred to in Section 123(d) is revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

Revised Law

Sec. 547.331. HAZARD LAMPS PERMITTED. (a) A vehicle may be equipped with lamps to warn other vehicle operators of a vehicular traffic hazard that requires unusual care in approaching, overtaking, or passing.

(b) The lamps shall be:

(1) mounted at the same level and spaced as widely apart as practicable on the front and on the rear of the vehicle; and

(2) visible at a distance of at least 500 feet in normal sunlight.

(c) The lamps shall display simultaneously flashing lights that emit:

(1) a white or amber light, or a color between white and amber, if the lamp is mounted on the front of the vehicle; or

(2) a red or amber light, or a color between red and amber, if the lamp is mounted on the rear of the vehicle.

(V.A.C.S. Art. 6701d, Sec. 125(d) (part).)
(d) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. . . . The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred (500) feet in normal sunlight.

Revised Law

Sec. 547.332. OTHER LAMPS PERMITTED. A motor vehicle may be equipped with:

(1) not more than two side cowl or fender lamps that emit an amber or white light without glare;

(2) not more than two running board courtesy lamps, one on each side of the vehicle, that emit an amber or white light without glare; and

(3) one or more backup lamps that:

(A) emit an amber or white light only when the vehicle is not moving forward; and

(B) may be displayed separately or in combination with another lamp. (V.A.C.S. Art. 6701d, Secs. 115(c) (part); 125(a), (b), (c).)

Source Law

[Sec. 115]

(c) . . . and the light emitted by a back-up lamp shall be white or amber.

Sec. 125. (a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one (1) or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
Sec. 547.333. MULTIPLE-BEAM LIGHTING EQUIPMENT REQUIRED.

(a) Unless provided otherwise, a headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle, other than a motorcycle or motor-driven cycle:

(1) shall be arranged so that the operator can select at will between distributions of light projected at different elevations; and

(2) may be arranged so that the operator can select the distribution automatically.

(b) A lamp identified by Subsection (a) shall produce:

(1) an uppermost distribution of light or composite beam that is aimed and emits light sufficient to reveal a person or vehicle at a distance of at least 450 feet ahead during all conditions of loading; and

(2) a lowermost distribution of light or composite beam that:

(A) is aimed and emits light sufficient to reveal a person or vehicle at a distance of at least 150 feet ahead; and

(B) is aimed so that no part of the high-intensity portion of the beam on a vehicle that is operated on a straight, level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c) A person who operates a vehicle on a roadway or shoulder shall select a distribution of light or composite beam that is aimed and emits light sufficient to reveal a person or vehicle at a safe distance ahead of the vehicle, except that:

(1) an operator approaching an oncoming vehicle within 500 feet shall select:

(A) the lowermost distribution of light or composite beam, regardless of road contour or condition of loading; or

(B) a distribution aimed so that no part of the
high-intensity portion of the lamp projects into the eyes of an
approaching vehicle operator; and

(2) an operator approaching a vehicle from the rear
within 300 feet may not select the uppermost distribution of light.

(d) A motor vehicle of a model year of 1948 or later, other
than a motorcycle or motor-driven cycle, that has multiple-beam
lighting equipment shall be equipped with a beam indicator that is:

(1) designed and located so that the lighted indicator
is visible without glare to the vehicle operator; and

(2) lighted only when the uppermost distribution of
light is in use. (V.A.C.S. Art. 6701d, Secs. 126, 127.)

Source Law

Sec. 126. Except as hereinafter provided, the
headlamps or the auxiliary driving lamp or the
auxiliary passing lamp or combination thereof on motor
vehicles other than motorcycles or motor driven cycles
shall be so arranged that the driver may select at will
between distributions of light projected to different
elevations and such lamps may, in addition, be so
arranged that such selection can be made automatically,
subject to the following limitations:

(a) There shall be an uppermost
distribution of light, or composite beam, so aimed and
of such intensity as to reveal persons and vehicles at
a distance of at least four hundred and fifty (450)
feet ahead for all conditions of loading.

(b) There shall be a lowermost
distribution of light, or composite beam so aimed and
of sufficient intensity to reveal persons and vehicles
at a distance of at least one hundred and fifty (150)
feet ahead; and on a straight level road under any
condition of loading none of the high-intensity portion
of the beam shall be directed to strike the eyes of an
approaching driver.

(c) Every new motor vehicle, other than a
motorcycle or motor-driven cycle, registered in this
State after January 1, 1948, which has multiple-beam
road lighting equipment shall be equipped with a beam
indicator, which shall be lighted whenever the
uppermost distribution of light from the head lamps is
in use, and shall not otherwise be lighted. Said
indicator shall be so designed and located that when
lighted it will be readily visible without glare to the
driver of the vehicle so equipped.

Sec. 127. Whenever a motor vehicle is being
operated on a roadway or shoulder adjacent thereto
during the times specified in Section 109, the driver
shall use a distribution of light, or composite beam,
directed high enough and of sufficient intensity to
reveal persons and vehicles at a safe distance in
advance of the vehicle, subject to the following
requirements and limitations:

(b) Whenever the driver of a vehicle
approaches an oncoming vehicle within five hundred
(500) feet, such driver shall use a distribution of
light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Section 126(b) and Section 139F(f)(2b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(c) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred (300) feet, such driver shall use a distribution of light permissible under this Article other than the uppermost distribution of light specified in Sections 126(a) and 139F(f)(2a).

Revisor's Note

(1) Section 126, V.A.C.S. Article 6701d, provides that multiple-beam lighting equipment is required "subject to the following limitations." The revised law omits the quoted phrase because the "limitations" referenced are actually equipment requirements included in the same section and are clearly applicable without a specific reference.

(2) Section 127, V.A.C.S. Article 6701d, provides that a vehicle operator shall use multiple-beam lighting equipment "during the times specified in Section 109" (Section 547.302(a) of this code). Section 109(a) provides as a general provision that lighting equipment shall be displayed at specified times. Accordingly, the revised law omits as redundant the requirement that multiple-beam lighting equipment be displayed at the times specified in Section 109.

Revised Law

Sec. 547.334. SINGLE-BEAM LIGHTING EQUIPMENT PERMITTED. (a) In lieu of the multiple-beam lighting equipment required by Section 547.333, a headlamp system that provides a single distribution of light and meets the requirements of Subsection (b) is permitted for:

(1) a farm tractor; or

(2) a motor vehicle manufactured and sold before September 4, 1948.
(b) The headlamp system specified by Subsection (a) shall:

(1) emit a light sufficient to reveal a person or vehicle at a distance of at least 200 feet; and

(2) be aimed so that no part of the high-intensity portion of the lamp projects a beam:

(A) higher than five inches below the level of the center of the lamp at a distance of 25 feet ahead; or

(B) higher than 42 inches above the ground at a distance of 75 feet ahead. (V.A.C.S. Art. 6701d, Sec. 128.)

Source Law

Sec. 128. Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to one (1) year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

Reviser's Note

(1) Section 128, V.A.C.S. Article 6701d, provides an exception for farm tractors "regardless of date of manufacture." The quoted language is omitted because it adds nothing to the meaning of the provision.

In addition, Section 128 provides an exception for motor vehicles manufactured and sold "prior to one (1) year after the effective date of this Act." The effective date of the Act was September 4, 1947 (90 days after June 6, 1947), and "one year after the effective date of this Act" is September 4, 1948.
revised law substitutes the appropriate date for the quoted language.

(2) Section 128(1), V.A.C.S. Article 6701d, refers to a visibility distance requirement for an unloaded vehicle. The revised law omits the reference to the unloaded vehicle for the reason stated in the reviser's note to Section 547.328 of this code.

Revised Law
Sec. 547.335. ALTERNATIVE ROAD LIGHTING EQUIPMENT PERMITTED. In lieu of the multiple-beam or single-beam lighting equipment otherwise required by this subchapter, a motor vehicle that is operated at a speed of not more than 20 miles per hour under the conditions specified in Section 547.302(a) may be equipped with two lighted lamps:

(1) mounted on the front of the vehicle; and
(2) capable of revealing a person or vehicle 100 feet ahead. (V.A.C.S. Art. 6701d, Sec. 129.)

Source Law
Sec. 129. Any motor vehicle may be operated under the conditions specified in Section 109 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and vehicles one hundred (100) feet ahead in lieu of lamps required in Section 126 or Section 128, provided, however, that at no time shall it be operated at a speed in excess of twenty (20) miles per hour.

[Sections 547.336-547.350 reserved for expansion]

SUBCHAPTER F. ADDITIONAL LIGHTING REQUIREMENTS FOR CERTAIN LARGE VEHICLES

Revised Law
Sec. 547.351. APPLICABILITY. The color, mounting, and visibility requirements in this subchapter apply only to equipment on a vehicle described by Section 547.352. (V.A.C.S. Art. 6701d, Sec. 113.)
Sec. 113. Those sections of this Chapter which follow immediately, including Sections 114, 115, 116, 117 and 119, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated; namely, buses, trucks, truck tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 109.

Revisor's Note

Section 113, V.A.C.S. Article 6701d, provides that "Sections 114, 115, 116, 117 and 119, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated." The revised law omits the reference to specific sections.

Section 114 clearly states equipment requirements for specific vehicles and there is no need to reiterate the applicability of Section 114 in this section.

Sections 115, 116, and 117 relate to clearance lamps, identification lamps, marker lamps, and reflectors and impose color, mounting, and visibility requirements. The revised law refers to color, mounting, and visibility requirements rather than the specific sections. Although those sections relate to identification lamps in addition to the clearance lamps, marker lamps, and reflectors referred to in Section 113, the revised law includes the provision permitting identification lamps in Section 547.352 of this code and appropriately limits the color, mounting, and visibility requirements to vehicles referenced in that section.

Section 119 imposes requirements that apply to vehicles in combination, not only vehicles referred to in Section 547.352 of this code. Accordingly, the requirements of Section 119 are revised in Section
547.381 of this code, and the revised law omits the reference to Section 119 in this section.

Section 113 also provides that the provisions referenced above shall apply when a vehicle is operated on a highway. This provision is omitted for the reason stated in Revisor's Note (1) to Section 547.004 of this code.

Section 113 also provides that "vehicles shall be equipped as required." The revised law omits this provision as redundant because this provision simply restates in general terms requirements specifically imposed in particular sections of this chapter.

Section 113 also provides that "all lamp equipment required shall be lighted at the times mentioned in Section 109." The revised law omits this provision for the reason stated in Revisor's Note (2) to Section 547.333 of this code.

Revised Law
Sec. 547.352. ADDITIONAL LIGHTING EQUIPMENT REQUIREMENTS.
In addition to other equipment required by this chapter:
(1) a bus, truck, trailer, or semitrailer that is at least 80 inches wide shall be equipped with:
(A) two clearance lamps on the front, one at each side;
(B) two clearance lamps on the rear, one at each side;
(C) four side marker lamps, one on each side at or near the front and one on each side at or near the rear;
(D) four reflectors, one on each side at or near the front and one on each side at or near the rear; and
(E) hazard lamps that meet the requirements of Section 547.331;
(2) a bus or truck that is at least 30 feet long shall
be equipped with hazard lamps that meet the requirements of Section 547.331;

(3) a trailer or semitrailer that is at least 30 feet long shall be equipped with:
   (A) two side marker lamps, one centrally mounted on each side with respect to the length of the vehicle;
   (B) two reflectors, one centrally mounted on each side with respect to the length of the vehicle; and
   (C) hazard lamps that meet the requirements of Section 547.331;

(4) a pole trailer shall be equipped with:
   (A) two side marker lamps, one at each side at or near the front of the load;
   (B) one reflector at or near the front of the load;
   (C) one combination marker lamp that:
       (i) emits an amber light to the front and a red light to the rear and side; and
       (ii) is mounted on the rearmost support for the load to indicate the maximum width of the trailer; and
   (D) hazard lamps that meet the requirements of Section 547.331, if the pole trailer is at least 30 feet long or at least 80 inches wide;

(5) a truck-tractor shall be equipped with:
   (A) two clearance lamps, one at each side on the front of the cab; and
   (B) hazard lamps that meet the requirements of Section 547.331, if the truck-tractor is at least 30 feet long or at least 80 inches wide; and

(6) a vehicle at least 80 inches wide may be equipped with:
   (A) not more than three front identification lamps without glare; and
   (B) not more than three rear identification
lamps without glare. (V.A.C.S. Art. 6701d, Secs. 114 (part); 125(d) (part), (e).)

Source Law

Sec. 114. In addition to other equipment required in Sections 110, 111, 112, and 118 of this Act, the following vehicles shall be equipped as herein stated under the conditions stated in Section 113 . . . .

(a) Buses and trucks eighty (80) inches or more in overall width:
1. On the front, two (2) clearance lamps, one (1) at each side.
2. On the rear, two (2) clearance lamps, one (1) at each side.
3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.
4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(b) Trailers and semitrailers eighty (80) inches or more in overall width:
1. On the front, two (2) clearance lamps, one (1) at each side.
2. On the rear, two (2) clearance lamps, one (1) at each side.
3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.
4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(c) Truck tractors:
On the front, two (2) cab clearance lamps, one (1) at each side.

(d) Trailers and semitrailers thirty (30) feet or more in overall length:
On each side, one (1) . . . side marker lamp and one (1) . . . reflector, centrally located with respect to the length of the vehicle.

(e) Pole trailers:
1. On each side, one (1) amber side marker lamp at or near the front of the load.
2. One (1) amber reflector at or near the front of the load.
3. On the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

[Sec. 125]
(d) . . . After January 1, 1972, every bus, truck, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length shall be equipped with lamps meeting the requirements of this subsection . . . .

(e) Any vehicle eighty (80) inches or more in overall width, if not otherwise required by this Act, may be equipped with not more than three (3) identification lamps showing to the front which shall emit an amber light without glare and not more than three (3) identification lamps showing to the rear which shall emit a red light without glare. Such lamps
shall be mounted as specified in Subsection (f) of Section 114.

Revisor's Note

(1) Section 114, V.A.C.S. Article 6701d, refers to other lighting equipment required in "Sections 110, 111, 112, and 118 of this Act." The revised law substitutes "chapter" because the sections referenced include all the sections, other than the sections of this subchapter, that require lighting equipment on the vehicles subject to this subchapter.

Section 114 also provides that vehicles shall be equipped "as herein stated under the conditions stated in Section 113." The revised law omits the quoted phrase. First, there is no need to state that vehicles shall be equipped "as herein stated" because this provision reiterates the specific provisions that follow. Second, the conditions stated under Section 113 are the conditions stated under the general provisions of Section 109. Accordingly, the revised law omits this reference as redundant in this section.

(2) Sections 114(e) and 125(e), V.A.C.S. Article 6701d, refer to "amber" side marker lamps, front reflectors, and front identification lamps and "red" rear identification lamps. The revised law omits the references to color as unnecessary because Section 115, V.A.C.S. Article 6701d, as revised in this code as Section 547.353, requires that all side marker lamps, front reflectors, and front identification lamps be amber and all rear identification lamps be red.

(3) Section 125(d), V.A.C.S. Article 6701d, provides that hazard lamps are required on particular vehicles "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

(4) Section 125(e), V.A.C.S. Article 6701d,
provides that a vehicle at least 80 inches wide may be equipped with identification lamps "if not otherwise required by this Act." The revised law omits the quoted phrase because the provisions that required identification lamps were repealed by amendment to Section 114 (Section 1a, Chapter 3, Acts of the 62nd Legislature, 4th Called Session, 1972).

Section 125(e) also provides that permitted identification "lamps shall be mounted as specified in Subsection (f) of Section 114." The revised law omits this mounting requirement because Subsection (f) of Section 114 was repealed by amendment to Section 114 (Section 1a, Chapter 3, Acts of the 62nd Legislature, 4th Called Session, 1972).

**Revised Law**

Sec. 547.353. COLOR REQUIREMENTS. (a) A clearance lamp, identification lamp, side marker lamp, or reflector mounted on the front, on the side near the front, or in the center of the vehicle must be or reflect amber.

(b) A clearance lamp, identification lamp, side marker lamp, or reflector mounted on the rear or the side near the rear of the vehicle must be or reflect red. (V.A.C.S. Art. 6701d, Secs. 114 (part); 115(a), (b).)

**Source Law**

[Sec. 114]

(d) . . . amber [side marker lamp and one (l)] amber [reflector, centrally located with respect to the length of the vehicle.]

Sec. 115. (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.
Revised Law

Sec. 547.354. MOUNTING REQUIREMENTS. (a) A reflector shall be mounted:

(1) at a height from 24 to 60 inches; or

(2) as high as practicable on the permanent structure of the vehicle if the highest part of the permanent structure is less than 24 inches.

(b) A rear reflector may be:

(1) included as a part of a taillamp if the reflector meets each other requirement of this subchapter; and

(2) mounted on each side of the bolster or load, if the vehicle is a pole trailer.

(c) A clearance lamp shall be mounted, if practicable, on the permanent structure of the vehicle to indicate the extreme height and width of the vehicle, except that:

(1) a clearance lamp on a truck-tractor shall be mounted to indicate the extreme width of the cab; and

(2) a front clearance lamp may be mounted at a height that indicates, as near as practicable, the extreme width of the trailer if mounting of the lamp as otherwise provided by this section would not indicate the extreme width of the trailer.

(d) A clearance lamp and side marker lamp may be mounted in combination if each lamp complies with the visibility requirements of Section 547.355. (V.A.C.S. Art. 6701d, Secs. 116(a), (b) (part).)

Source Law

Sec. 116. (a) Reflectors shall be mounted at a height of not less than twenty-four (24) inches and not higher than sixty (60) inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this Act.

(b) Clearance lamps shall, so far as is
practicable, be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. Provided . . . and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

Revisor's Note

(1) Section 116(a), V.A.C.S. Article 6701d, provides that reflectors shall be mounted at a particular height "above the ground on which the vehicle stands." The revised law omits the quoted phrase for the reason stated in the revisor's note to Section 547.328 of this code.

In addition, the mounted height range referred to in Section 116(a), V.A.C.S. Article 6701d, is revised for the reason stated in Revisor's Note (2) to Section 547.321 of this code.

Section 116(a) also refers to "red" rear reflectors. The revised law omits the reference to color because all rear reflectors must be red under Section 115(b), V.A.C.S. Article 6701d, as revised in this code as Section 547.353.

Section 116(a) also provides that reflectors shall meet all the other requirements of this "Act." The revised law substitutes "subchapter" for "Act" because all requirements relating to reflectors on vehicles subject to this section are located in this subchapter.

(2) Section 116(b), V.A.C.S. Article 6701d, refers to rear identification lamps. The revised law omits the reference because identification lamps are no longer required by V.A.C.S. Article 6701d. The
provisions requiring identification lamps were repealed
by amendment to Section 114 (Section 1a, Chapter 3, 
Acts of the 62nd Legislature, 4th Called Session, 
1972). The omitted provision reads:

... when rear identification lamps are
required and are mounted as high as it is
practicable, rear clearance lamps may be
mounted at optional height . . . .

Revised Law

Sec. 547.355. VISIBILITY REQUIREMENTS. (a) A clearance
lamp, identification lamp, or side marker lamp shall be visible and
recognizable under normal atmospheric conditions at all distances
from 50 to 500 feet from the vehicle on the side, front, or rear
where the lamp is mounted.

(b) A reflector required by this chapter mounted on a
vehicle subject to this subchapter shall be visible from the rear,
if a rear reflector, or from the applicable side, if a side
reflector, at nighttime at all distances from 100 to 600 feet from
the vehicle when the reflector is directly in front of:

(1) lawful lower beams of headlamps; or

(2) lawful upper beams of headlamps on a vehicle
manufactured or assembled before January 1, 1972. (V.A.C.S.
Art. 6701d, Secs. 114 (part); 117.)

Source Law

Sec. 114. . . . and in addition, the reflectors
elsewhere enumerated for such vehicles shall conform to
the requirements of Section 117.

Sec. 117. (a) Every reflector upon any vehicle
referred to in Section 114 shall be of such size and
characteristics and so maintained as to be readily
visible at nighttime from all distances within six
hundred (600) feet to one hundred (100) feet from the
vehicle when directly in front of lawful lower beams of
the head lamps, except that the visibility for
reflector on vehicles manufactured or assembled prior
to January 1, 1972, shall be measured in front of
lawful upper beams of head lamps. Reflectors required
to be mounted on the sides of the vehicle shall reflect
the required color of light to the sides, and those
mounted on the rear shall reflect a red color to the
rear.

(b) Front and rear clearance lamps and
identification lamps shall be capable of being seen and
distinguished under normal atmospheric conditions at
the times lights are required at all distances betweenive hundred (500) and fifty (50) feet from the front
and rear, respectively, of the vehicle.
(c) Side marker lamps shall be capable of being
seen and distinguished under normal atmospheric
conditions at the times lights are required at all
distances between five hundred (500) and fifty (50)
feet from the side of the vehicle on which mounted.

Revisor's Note
(1) Section 117(a), V.A.C.S. Article 6701d,
refers to "required color" for side reflectors and a
"red color" for rear reflectors. The revised law omits
these color references because Sections 115(a) and (b),
V.A.C.S. Article 6701d, as revised in this code as
Section 547.353, provide for reflector color
requirements.
(2) Section 117(b), V.A.C.S. Article 6701d,
refers to "front and rear" clearance lamps and
identification lamps. The revised law refers to a
"clearance lamp" and an "identification lamp" because
clearance lamps and identification lamps are either
front or rear lamps, and a reference to a clearance
lamp or identification lamp includes a reference to
front and rear lamps.
(3) Sections 117(b) and (c), V.A.C.S. Article
6701d, provide that lamps shall be visible for a
particular distance "at the times lights are required."
The revised law omits the quoted phrase for the reason
stated in Revisor's Note (1) to Section 547.322 of this
code.

[Sections 547.356-547.370 reserved for expansion]

SUBCHAPTER G. ALTERNATIVE LIGHTING REQUIREMENTS FOR FARM
TRACTORS, FARM EQUIPMENT, AND IMPLEMENTS OF HUSBANDRY

Revised Law
Sec. 547.371. GENERAL LIGHTING EQUIPMENT REQUIREMENTS. (a)
Except as provided by Subsection (b), a farm tractor,
self-propelled unit of farm equipment, or implement of husbandry shall be equipped with:

(1) at least two headlamps that comply with Section 547.333, 547.334, or 547.335;

(2) at least one red lamp visible at a distance of at least 1,000 feet from the rear and mounted as far to the left of the center of the vehicle as practicable;

(3) at least two red reflectors visible at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and

(4) hazard lamps as described in Section 547.331, which shall be lighted and visible in normal sunlight at a distance of at least 1,000 feet from the front and rear.

(b) A farm tractor, self-propelled unit of farm equipment, or implement of husbandry manufactured or assembled on or before January 1, 1972, is required to be equipped as provided by Subsection (a) only at the times specified by Section 547.302(a), and hazard lamps are not required. (V.A.C.S. Art. 6701d, Secs. 122(a), (b).)

Source Law

Sec. 122. (a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall be equipped with vehicular hazard warning lights of a type described in Section 125(d), visible from a distance of not less than one thousand (1,000) feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(b) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1972, shall at all times, and every other such motor vehicle shall at all times mentioned in Section 109, be equipped with lamps and reflectors as follows:

1. At least two (2) head lamps meeting the requirements of Sections 126, 128 or 129.

2. At least one (1) red lamp visible when lighted from a distance of not less than one thousand (1,000) feet to the rear mounted as far to the left of the center of the vehicle as practicable.

3. At least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.
Revisor's Note
Section 122, V.A.C.S. Article 6701d, refers to Sections 109, 125(d), 126, 128, and 129 of that article. Those provisions are revised, respectively, in Sections 547.302(a), 547.331, 547.333, 547.334, and 547.335 of this code, and the revised law is drafted accordingly.

Revised Law
Sec. 547.372. LIGHTING REQUIREMENTS FOR COMBINATION VEHICLES. (a) If a unit of farm equipment or implement of husbandry is towed by a farm tractor and the towed object or its load extends more than four feet to the rear of the tractor or obscures a light on the tractor, the towed object shall be equipped at the times specified by Section 547.302(a) with at least two rear red reflectors that are:

(1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
(2) mounted to indicate, as nearly as practicable, the extreme width of the vehicle or combination of vehicles.

(b) If a unit of farm equipment or implement of husbandry is towed by a farm tractor and extends more than four feet to the left of the centerline of the tractor, the towed object shall be equipped at the times specified by Section 547.302(a) with a front amber reflector that is:

(1) visible at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps; and
(2) mounted to indicate, as nearly as practicable, the extreme left projection of the towed object.

(c) Reflective tape or paint may be used as an alternative to the reflectors required by this section if the alternative complies with the other requirements of this section. (V.A.C.S. Art. 6701d, Secs. 122(c) (part), (d).)
(c) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in Section 109 be equipped with lamps and reflectors as follows:

2. If the towed unit or its load extends more than four (4) feet to the rear of the tractor or obscures any light thereon, said unit shall be equipped on the rear with at least two (2) red reflectors visible from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps.

3. If the towed unit of such combination extends more than four (4) feet to the left of the centerline of the tractor, said unit shall be equipped on the front with an amber reflector visible from all distances within six hundred (600) feet to one hundred (100) feet to the front when directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

(d) The two (2) red reflectors required in the foregoing subsection shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. Provided that all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by Subsection (c).

Reviser's Note

Section 122(c), V.A.C.S. Article 6701d, refers to the equipping of a farm tractor as required in Subsections (a) and (b) of Section 122. The revised law omits the reference as unnecessary because Subsections (a) and (b) are revised in Section 547.371 of this code, and the requirements of those provisions are not otherwise limited. The omitted provision reads:

1. The farm tractor shall be equipped as required in Subsections (a) and (b).

[Sections 547.373-547.380 reserved for expansion]
(a) Subsection (a) is not an exception for the lighting as provided by this chapter of:

(1) front clearance lamps on the frontmost vehicle in the combination; or

(2) rear lamps on the rearmost vehicle in the combination. (V.A.C.S. Art. 6701d, Sec. 119.)

Source Law

Sec. 119. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Revised Law

Sec. 547.382. LIGHTING EQUIPMENT ON PROJECTING LOADS. (a) A vehicle transporting a load that extends to the rear at least four feet beyond the bed or body of the vehicle shall display on the extreme end of the load at the times specified in Section 547.302(a):

(1) two red lamps visible at a distance of at least 500 feet from the rear;

(2) two red reflectors that indicate the maximum width and are visible at nighttime at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and

(3) two red lamps, one on each side, that indicate the maximum overhang and are visible at a distance of at least 500 feet from the side.

(b) At all other times, a vehicle transporting a load that extends beyond the vehicle's sides or more than four feet beyond the vehicle's rear shall display red flags that:
(1) are at least 12 inches square;
(2) mark the extremities of the load; and
(3) are placed where a lamp is required by this section. (V.A.C.S. Art. 6701d, Sec. 120.)

Source Law

Sec. 120. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 109, two (2) red lamps visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors visible at night from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least five hundred (500) feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section.

Revised Law

Sec. 547.383. LIGHTING REQUIREMENTS ON PARKED VEHICLES. (a) A vehicle, other than a motor-driven cycle, shall be equipped with at least one lamp, or a combination of lamps, that:

(1) emits a white or amber light visible at a distance of 1,000 feet from the front and a red light visible at a distance of 1,000 feet from the rear; and

(2) is mounted so that at least one lamp is installed as near as practicable to the side of the vehicle that is closest to passing traffic.

(b) A vehicle, other than a motor-driven cycle, that is parked or stopped on a roadway or shoulder at a time specified in Section 547.302(a) shall display a lamp that complies with Subsection (a).

(c) A vehicle that is lawfully parked on a highway is not required to display lights at night-time if there is sufficient light to reveal a person or vehicle on the highway at a distance of
1,000 feet.

(d) A lighted headlamp on a parked vehicle shall be dimmed.

(V.A.C.S. Art. 6701d, Secs. 121, 139F(e).)

Source Law

Sec. 121. (a) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any persons and vehicles within a distance of one thousand (1,000) feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of Subsection (a).

(d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

[Sec. 139F]

(e) Lamps on Parked Vehicles

1. Every motorcycle must comply with the provisions of Section 121 regarding lamps on parked vehicles and the use thereof.

2. Motor-driven cycles need not be equipped with parking lamps nor otherwise comply with the provisions of Section 121.

Revisor's Note

(1) Section 121(c), V.A.C.S. Article 6701d, refers to a parked or stopped vehicle that is "attended or unattended." The revised law omits the quoted phrase as unnecessary because an "attended or unattended vehicle" refers to any vehicle.

Section 121(c) also provides that a vehicle "shall be equipped with and shall display lamps meeting the requirements of Subsection (a)." The revised law
omits the reference to "shall be equipped with" as redundant because Subsection (a) already requires that vehicles be equipped accordingly.

(2) Section 121(d), V.A.C.S. Article 6701d, provides that lighted lamps shall be "depressed or dimmed" on parked vehicles. The revised law omits "depressed" because "depressed" is included within the meaning of "dimmed."

(3) Section 139F(e), V.A.C.S. Article 6701d, provides that a motorcycle must comply with the provisions of Section 121 regarding lamps on parked vehicles. The revised law omits this specific reference to a motorcycle as unnecessary because Section 121, V.A.C.S. Article 6701d, as revised in this section, applies to a "vehicle," and "motorcycle" is included in the broader category of "vehicle."

[Sections 547.384-547.400 reserved for expansion]

SUBCHAPTER I. PROVISIONS RELATING TO BRAKE REQUIREMENTS ON VEHICLES

Revised Law

Sec. 547.401. BRAKES REQUIRED. (a) Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles shall be equipped with brakes that comply with this chapter.

(b) A trailer, semitrailer, or pole trailer is not required to have brakes if:

(1) its gross weight is 4,500 pounds or less; or

(2) its gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds, and it is drawn at a speed of not more than 30 miles per hour. (V.A.C.S. Art. 6701d, Secs. 132 (part), Subsec. (c), Subdiv. 1, Paras. a, b.)

Source Law

Sec. 132. Every motor vehicle, trailer,
semitrailer and pole trailer, and any combination of such vehicles operating upon a highway within this State shall be equipped with brakes in compliance with the requirements of this Article.

(c) . . . Every vehicle shall be equipped with brakes . . . except:

1. Certain trailers, semitrailers, and pole trailers, which are treated as follows:

   a. If the gross weight of the trailer, semitrailer, or pole trailer does not exceed four thousand, five hundred (4,500) pounds, it is not required to have brakes.

   b. If the gross weight of the trailer, semitrailer, or pole trailer exceeds four thousand, five hundred (4,500) pounds but does not exceed fifteen thousand (15,000) pounds, and the vehicle is not drawn at a speed in excess of thirty (30) miles per hour, it is not required to have brakes.

Reviser's Note

(1) Section 132, V.A.C.S. Article 6701d, refers to vehicles "operating upon a highway within this State." The revised law omits the quoted phrase for the reasons stated in Reviser's Note (2) to Section 547.105 of this code.

(2) Paragraph d, Subdivision 1, Section 132(c), V.A.C.S. Article 6701d, defines "gross weight." The revised law omits this definition because Section 20C, Article 6701d, as revised in this code as Section 541.401, provides the substantive definition of this term as a general definition for use throughout this subtitle. The omitted provision reads:

d. "Gross weight," as used in this subsection, means the weight of the trailer, semitrailer, or pole trailer plus the weight of the load actually carried.

Revised Law

Sec. 547.402. OPERATION AND MAINTENANCE OF BRAKES. (a) Required brakes shall operate on each wheel of a vehicle except:

(1) special mobile equipment;

(2) a vehicle that is towed as a commodity when at least one set of the towed vehicle's wheels is on the roadway, if the combination of vehicles complies with the performance
requirements of this chapter; and

(3) a trailer, semitrailer, or pole trailer with a gross weight heavier than 4,500 pounds but not heavier than 15,000 pounds drawn at a speed of more than 30 miles per hour, if the brakes operate on both wheels of the rear axle.

(b) A truck or truck-tractor that has at least three axles is not required to have brakes on the front wheels, but must have brakes that:

(1) operate on the wheels of one steerable axle if the vehicle is equipped with at least two steerable axles; and

(2) comply with the performance requirements of this chapter.

(c) A trailer or semitrailer that has a gross weight of 15,000 pounds or less may use surge or inertia brake systems to satisfy the requirements of Subsection (a).

(d) Brakes shall be maintained in good working order and adjusted to operate on wheels on each side of the vehicle as equally as practicable. (V.A.C.S. Art. 6701d, Secs. 20B (part); 132(c), Subdiv. 1, Para. c; Subdivs. 2, 3, 4; (h) (part); (1).)

Source Law

Sec. 20B. Any operation in which any motor vehicle, trailer or semitrailer . . . constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway . . . .

[Sec. 132]

(c) Brakes on all wheels. [Every vehicle shall be equipped with brakes] acting on all wheels [except:

1. Certain trailers, semitrailers, and pole trailers, which are treated as follows:]

... c. If the gross weight of the trailer, semitrailer, or pole trailer exceeds four thousand, five hundred (4,500) pounds but does not exceed fifteen thousand (15,000) pounds, and the vehicle is drawn at a speed in excess of thirty (30) miles per hour, it must have brakes acting on both wheels of the rear axle.

2. Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of this Act.

3. Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two (2) steerable axles, the wheels of
one (1) steerable axle need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of this Act.

4. Special mobile equipment as defined in Subsection (a) above.

(h) Surge or inertia brake systems may be used on trailers and semitrailers with a gross weight of not more than fifteen thousand (15,000) pounds in satisfaction of the requirements of Subsection (c) of this section. . . .

(1) Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on the opposite sides of the vehicle.

Revisor's Note

(1) Subdivisions 2 and 3, Section 132(c), V.A.C.S. Article 6701d, refer to brake performance requirements "of this Act." The brake performance requirements of V.A.C.S. Article 6701d are contained in this chapter of the revised law. Accordingly, the revised law refers to the brake performance requirements of this chapter.

(2) Subdivision 4, Section 132(c), V.A.C.S. Article 6701d, refers to special mobile equipment "as defined in Subsection (a) above." The revised law omits the quoted phrase because the term "special mobile equipment" is defined in Section 2(k), V.A.C.S. Article 6701d, as revised in this code in Section 541.201, as a general definition to this subtitle.

(3) Subdivision 2, Section 132(c), V.A.C.S. Article 6701d, provides an exception for a vehicle towing another vehicle in a "driveaway or towaway" operation, which is defined by Section 20B, V.A.C.S. Article 6701d. Not all of that definition applies to the use of the term in this section. Only the portion of the definition applicable to a tow-away circumstance is needed, and that portion is incorporated into the revised law.
Sec. 547.403. SERVICE BRAKES REQUIRED. (a) A vehicle required to have brakes by this subchapter, other than special mobile equipment, shall be equipped with service brakes that:

1. comply with the performance requirements of this subchapter; and
2. are adequate to control the movement of the vehicle, including stopping and holding, under all loading conditions and when on any grade on which the vehicle is operated.

(b) A vehicle required to have brakes by this subchapter shall be equipped so that one control device operates the service brakes. This subsection does not prohibit an additional control device that may be used to operate brakes on a towed vehicle. A vehicle that tows another vehicle as a commodity when at least one set of the towed vehicle's wheels is on the roadway is not required to comply with this requirement unless the brakes on the towing and towed vehicles are designed to be operated by a single control on the towing vehicle. (V.A.C.S. Art. 6701d, Secs. 20B (part); 132(a), (h) (part).)

Source Law

Sec. 20B. Any operation in which any motor vehicle, trailer or semitrailer, . . . constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway . . . .

[Sec. 132]

(a) Service brakes--adequacy. Every such vehicle and combination of vehicles, except special mobile equipment which is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved on a highway, shall be equipped with service brakes complying with the performance requirements as required and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(h) Single control to operate all brakes. After April 1, 1973, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. . . . This regulation does not apply to driveaway or towaway
operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

Revisor's Note

(1) Section 132(a), V.A.C.S. Article 6701d, refers to special mobile equipment "which is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved on a highway." The revised law omits the quoted phrase as unnecessary because this substantive information is included within the definition of "special mobile equipment vehicle" in Section 541.201 of this code.

(2) Section 132(h), V.A.C.S. Article 6701d, provides that its provisions are effective after April 1, 1973. The revised law omits as executed the referenced date.

(3) Section 132(h), V.A.C.S. Article 6701d, provides an exception for a vehicle towing another vehicle in a "driveaway or towaway" operation, which is defined by Section 20B, V.A.C.S. Article 6701d. Not all of that definition applies to the use of the term in this section. Only the portion of the definition applicable to a tow-away circumstance is needed, and that portion is incorporated into the revised law.

Revised Law

Sec. 547.404. PARKING BRAKES REQUIRED. (a) A vehicle required to have brakes by this subchapter, other than a motorcycle or motor-driven cycle, shall be equipped with parking brakes adequate to hold the vehicle:

(1) on any grade on which the vehicle is operated;
(2) under all loading conditions; and
(3) on a surface free from snow, ice, or loose material.
(b) The parking brakes shall be:

(1) designed to operate continuously as required once applied, despite a leakage or an exhaustion of power source; and

(2) activated by the vehicle operator's muscular effort, by spring action, or by equivalent means.

(c) The parking brakes may be assisted by the service brakes or by another power source, unless a failure in the power source would prevent the parking brakes from operating as required by this section.

(d) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with wheel brake assemblies may be used for the parking brakes and service brakes.

(e) If the means of applying the parking brakes and service brakes are connected, the brake system shall be constructed so that the failure of one part will not cause the vehicle to be without operative brakes. (V.A.C.S. Art. 6701d, Secs. 132(b); 139F(h), Subdiv. 1.)

Source Law

[Sec. 132]

(b) Parking brakes--adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

[Sec. 139F]
1. Motorcycles and motor-driven cycles need not be equipped with parking brakes.

Revised Law

Sec. 547.405. EMERGENCY BRAKES REQUIRED. (a) A vehicle used to tow another vehicle equipped with air-controlled brakes shall be equipped with the following means, together or separate, for applying the trailer brakes in an emergency:

(1) an automatic device that applies the brakes to a fixed pressure from 20 to 45 pounds per square inch if the towing vehicle's air supply is reduced; and

(2) a manual device to apply and release the brakes that is readily operable by a person seated in the operator's seat and arranged so that:

(A) its emergency position or method of operation is clearly indicated; and

(B) its use does not prevent operation of the automatic brakes.

(b) In addition to the single control device required by Section 547.403, a vehicle used to tow another vehicle equipped with vacuum brakes shall be equipped with a second control device that:

(1) is used to operate the brakes on a towed vehicle in an emergency;

(2) is independent of brake air, hydraulic, or other pressure and independent of other controls, unless the braking system is arranged to automatically apply the towed vehicle's brakes if the pressure for the second control device on the towing vehicle fails; and

(3) is not required to provide modulated braking.

(c) Subsections (a) and (b) do not apply to a vehicle that tows another vehicle as a commodity when at least one set of wheels of the towed vehicle is on the roadway.

(d) A trailer, semitrailer, or pole trailer that is equipped
with air or vacuum brakes or that has a gross weight heavier than 3,000 pounds shall be equipped with brakes that:

(1) operate on all wheels; and

(2) are promptly applied automatically and remain applied for at least 15 minutes in case of a breakaway from the towing vehicle.

(e) A motor vehicle used to tow a trailer, semitrailer, or pole trailer equipped with brakes shall be equipped with service brakes arranged so that, in case of a breakaway of the towed vehicle, the towing vehicle is capable of stopping by use of its service brakes. (V.A.C.S. Art. 6701d, Secs. 20B (part); 132(d), (e), (g).)

Source Law

Sec. 20B. Any operation in which any motor vehicle, trailer or semitrailer . . . constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway . . . .

[Sec. 132]

(d) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand (3,000) pounds, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen (15) minutes, upon breakaway from the towing vehicle.

(e) Tractor brakes protected. Every motor vehicle used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of a breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(g) Two (2) means of emergency brake operation.

1. Air brakes. After January 1, 1972, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two (2) means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty (20) pounds per square inch nor higher than forty-five (45) pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and
the manual means required by this section may be, but are not required to be, separate.

2. Vacuum brakes. After January 1, 1972, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveway or towaway operations, shall have, in addition to the single control device required by Subsection (h), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent if other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

Reviser's Note

(1) Section 132(g), V.A.C.S. Article 6701d, provides that its provisions are effective "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

(2) The air supply pressure range referred to in Section 132(g), V.A.C.S. Article 6701d, is revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

(3) Section 132(g), V.A.C.S. Article 6701d, provides an exception for a vehicle towing another vehicle in a "driveaway or towaway" operation, which is defined by Section 20B, V.A.C.S. Article 6701d. Not all of that definition applies to the use of the term in this section. Only the portion of the definition applicable to a tow-away circumstance is needed, and that portion is incorporated into the revised law.

Revised Law

Sec. 547.406. BRAKE RESERVOIR OR RESERVE CAPACITY REQUIRED.

(a) A bus, truck, or truck-tractor equipped with air brakes shall be equipped with at least one reservoir that:

(1) is sufficient to ensure that the service brakes can be fully applied without lowering the reservoir pressure, if fully charged to the maximum pressure as regulated by the air
compressor governor cut-out setting, by more than 20 percent; and

(2) has a means for readily draining accumulated oil
or water.

(b) A truck with at least three axles that is equipped with
vacuum brakes or a truck-tractor or truck used to tow a vehicle
equipped with vacuum brakes shall be equipped with a reserve
capacity or a vacuum reservoir sufficient to ensure that, with the
reserve capacity or vacuum reservoir fully charged and with the
engine stopped, the service brakes can be fully applied without
depleting the vacuum supply by more than 40 percent.

(c) A motor vehicle, trailer, semitrailer, or pole trailer
that is equipped with an air or vacuum reservoir or reserve
capacity shall be equipped with a check valve or equivalent device
to prevent depletion of the air or vacuum supply by failure or
leakage.

d) An air brake system installed on a trailer shall be
designed to prevent a backflow of air from the supply reservoir
through the supply line. (V.A.C.S. Art. 6701d, Secs. 132(f), (i).)

Source Law

(f) Trailer air reservoirs safeguarded. Air
brake systems installed on trailers shall be so
designed that the supply reservoir used to provide air
for the brakes shall be safeguarded against backflow of
air from the reservoir through the supply line.

(i) Reservoir capacity and check valve.
1. Air brakes. Every bus, truck or truck
tractor with air operated brakes shall be equipped with
at least one (1) reservoir sufficient to insure that,
when fully charged to the maximum pressure as regulated
by the air compressor governor cut-out setting, a full
service brake application may be made without lowering
such reservoir pressure by more than twenty (20%)
percent. Each reservoir shall be provided with means
for readily draining accumulated oil or water.

2. Vacuum brakes. After January 1, 1972,
every truck with three (3) or more axles equipped with
vacuum assistor type brakes and every truck tractor and
truck used for towing a vehicle equipped with vacuum
brakes shall be equipped with a reserve capacity or a
vacuum reservoir sufficient to insure that, with the
reserve capacity or reservoir fully charged and with the
engine stopped, a full service brake application
may be made without depleting the vacuum supply by more
than forty (40%) percent.

3. Reservoir safeguarded. All motor
vehicles, trailers, semitrailers and pole trailers,
when equipped with air or vacuum reservoirs or reserve

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capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

Revisor's Note

Subdivision 2, Section 132(i), V.A.C.S. Article 6701d, provides that its provisions are effective "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

Revised Law

Sec. 547.407. BRAKE WARNING DEVICES REQUIRED. (a) A bus, truck, or truck-tractor that uses air to operate its brakes or the brakes of a towed vehicle shall be equipped with:

(1) a warning signal, other than a pressure gauge, that is readily audible or visible to the vehicle operator and that shows when the air reservoir pressure is below 50 percent of the air compressor governor cut-out pressure; and

(2) a pressure gauge visible to the vehicle operator that shows in pounds per square inch the pressure available for braking.

(b) A truck-tractor or truck used to tow a vehicle equipped with vacuum brakes, or a truck with at least three axles that is equipped with vacuum brakes, shall be equipped with a warning signal, other than a gauge showing vacuum, that is readily audible or visible to the vehicle operator and that shows when the vacuum in the reservoir or reserve capacity is less than eight inches of mercury. This subsection does not apply to an operation in which a motor vehicle, trailer, or semitrailer is transported as a commodity when at least one set of the vehicle's wheels is on the roadway.

(c) If a vehicle required to be equipped with a warning device is equipped with air and vacuum power to operate its brakes or the brakes on a towed vehicle, the warning devices required may
be combined into a single device that is not a pressure or vacuum gauge. (V.A.C.S. Art. 6701d, Secs. 20B; 132(j).)

Source Law

Sec. 20B. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of the transportation, whether or not any such vehicle furnishes the motive power.

[Sec. 132]

(j) Warning devices.

1. Air brakes. Every bus, truck or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty (50) percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

2. Vacuum brakes. After January 1, 1972, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three (3) or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight (8) inches of mercury.

3. Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

Reviser's Note

(1) Subdivision 2, Section 132(j), V.A.C.S. Article 6701d, provides that its provisions are effective "[a]fter January 1, 1972." The revised law omits as executed the referenced date.

Subdivision 2, Section 132(j), also provides an exception for a "driveaway or towaway" operation. The definition of such an operation in Section 20B, V.A.C.S. Article 6701d, provides that the vehicle may
be used "singly or in combination" and "new or used" and "whether or not any such vehicle furnishes the motive power." The quoted terms are omitted from the revised law as unnecessary because they neither add to nor limit the text of the revised definition.

(2) Subdivision 3, Section 132(j), V.A.C.S. Article 6701d, provides that warning devices may be "but are not required to be" combined into a single device. The revised law omits the quoted phrase because "may" indicates that no requirement is imposed.

Revised Law

Sec. 547.408. PERFORMANCE REQUIREMENTS FOR BRAKES. (a) A motor vehicle or combination of vehicles shall be equipped with service brakes capable of:

(1) developing a braking force that is not less than:
   (A) 52.8 percent of the gross weight of the vehicle for a passenger vehicle; or
   (B) 43.5 percent of the gross weight of the vehicle for a vehicle other than a passenger vehicle;

(2) decelerating to a stop from 20 miles per hour or less at not less than:
   (A) 17 feet per second per second for a passenger vehicle; or
   (B) 14 feet per second per second for other vehicles; and

(3) stopping from a speed of 20 miles per hour in a distance, measured from the location where the service brake pedal or control is activated, of not more than:
   (A) 25 feet for a passenger vehicle;
   (B) 30 feet for a motorcycle, motor-driven cycle, or single unit vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less;
   (C) 40 feet for:
(i) a single unit vehicle with a manufacturer's gross weight rating of more than 10,000 pounds;
(ii) a two-axle towing vehicle and trailer combination with a weight of 3,000 pounds or less;
(iii) a bus that does not have a manufacturer's gross weight rating; and
(iv) the combination of vehicles in an operation exempted by Section 547.407(b); and
(D) 50 feet for other vehicles.

(b) A test for deceleration or stopping distance shall be performed on a dry, smooth, hard surface that:
(1) is free of loose material; and
(2) does not exceed plus or minus one percent grade.

(c) In this section, "passenger vehicle" means a vehicle that has a maximum seating capacity of 10 persons, including the operator, and that does not have a manufacturer's gross vehicle weight rating. (V.A.C.S. Art. 6701d, Secs. 132(k); 139F(i).)

Source Law

[Sec. 132]
(k) Performance ability of brakes. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:
1. Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification; and
2. Decelerating to a stop from not more than twenty (20) miles per hour at not less than the feet per second per second tabulated herein for its classification, and
3. Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one [1] percent grade), dry, smooth, hard surface that is free from loose material.

<table>
<thead>
<tr>
<th>Classification of Vehicles</th>
<th>Braking force as a percentage of gross vehicle or combination weight</th>
<th>Deceleration in feet per second per second</th>
<th>Stopping distance in feet per second per second</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A  Passenger  vehicles  with a seating  capacity of 10  people or less  including  driver,  not having a  manufacturer's  gross vehicle  weight rating  

B  Single unit  vehicles with  a  manufacturer's  gross vehicle  weight rating  of 10,000  pounds  or less  

C-1  Single unit  vehicles  with  a  manufacturer's  gross weight  rating of more  than 10,000  pounds  

C-2  Combination of  a two-axis  towing vehicle  and a trailer with a weight  of 3,000  pounds  or less  

C-3  Buses,  regardless  of the number  of axles,  not having a  manufacturer's  gross weight  rating  

C-4  All  combinations  of vehicles  in drive-away-towaway  operations  

D  All other  vehicles and  combinations  of vehicles  

[Sec. 139F] (i) Performance Ability of Brakes. Every  motorcycle and motor-driven cycle, at all times and  under all conditions of loading, upon application of  the service brake, shall be capable of:

1. Developing a braking force that is not  less than 43.5% of its gross weight;  
2. Decelerating to a stop from not more  than twenty (20) miles per hour at not less than  
   fourteen (14) feet per second; and  
3. Stopping from a speed of twenty (20)  miles per hour in not more than thirty (30) feet, such  
   distance to be measured from the point at which
movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one per cent grade), dry, smooth, hard surface that is free from loose material.

Revisor's Note

(1) Section 132(k), V.A.C.S. Article 6701d, refers to a bus "regardless of the number of axles." The revised law omits the quoted phrase because referring to a bus includes all buses "regardless of the number of axles."

Section 132(k) also refers to a category of "[a]ll other vehicles and combinations of vehicles." The revised law omits the reference to "combinations of vehicles" because a combination of vehicles is included within the meaning of "all other vehicles."

Section 132(k) also refers to a "drive-away-towaway" operation. The revised law references Section 547.407(b) of this code, where those operations are described.

(2) Sections 132(k) and 139F(i), V.A.C.S. Article 6701d, provide that brakes must comply with performance requirements "at all times and under all conditions of loading." The revised law omits the quoted phrase because stating that brakes must comply indicates that the brakes must comply at all times and under all conditions unless otherwise stated.

(3) Subdivisions 1 and 2, Section 139F(i), V.A.C.S. Article 6701d, provide specific brake performance requirements for motorcycles and motor-driven cycles. The revised law omits the specific reference to motorcycles and motor-driven cycles as unnecessary because Section 132, V.A.C.S. Article 6701d, as revised in this section, refers to these brake requirements as applicable to a general
category of "vehicle other than a passenger vehicle," and "motorcycle" or "motor-driven cycle" is included in the broader category of "vehicle."

[Sections 547.409-547.500 reserved for expansion]

SUBCHAPTER J. PROVISIONS RELATING TO WARNING DEVICE REQUIREMENTS ON VEHICLES

Revised Law

Sec. 547.501. AUDIBLE WARNING DEVICES. (a) A motor vehicle shall be equipped with a horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet.

(b) A vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell unless the vehicle is:

(1) a commercial vehicle that is equipped with a theft alarm signal device arranged so that the device cannot be used as an ordinary warning signal; or

(2) an authorized emergency vehicle that is equipped with a siren, whistle, or bell that complies with Section 547.702.

(c) A motor vehicle operator shall use a horn to provide audible warning only when necessary to insure safe operation.

(d) A warning device, including a horn, may not emit an unreasonably loud or harsh sound or a whistle. (V.A.C.S. Art. 6701d, Secs. 133(a), (b), (c), (d) (part); 139F(k) (part).)

Source Law

Sec. 133. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
(d) Any authorized emergency vehicle may be equipped with a siren, whistle or bell . . . .

[Sec. 139F]

(k) Other Equipment. Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of Section 133 on horns and warning devices . . . .

Reviser's Note

(1) Section 133(a), V.A.C.S. Article 6701d, refers to a motor vehicle "when operated upon a highway." The revised law omits this reference for the reason stated in Reviser's Note (1) to Section 547.004 of this code.

(2) Section 139F(k), V.A.C.S. Article 6701d, provides that a motorcycle and motor-driven cycle shall comply with the requirements and limitations of Section 133 on horns and warning devices. The revised law omits the specific reference to these vehicles because Section 133, V.A.C.S. Article 6701d, as revised in this section, provides that a "motor vehicle" must comply with the requirements stated, and "motorcycle" or "motor-driven cycle" is included within the broader category of "motor vehicle."

Revised Law

Sec. 547.502. VISIBLE WARNING DEVICES REQUIRED. (a) Except as provided by Subsection (b), a person who operates, outside an urban district or on a divided highway, a truck, bus, or truck-tractor or a motor vehicle towing a house trailer shall carry in the vehicle:

(1) at daytime:

(A) at least two red flags at least 12 inches square; and

(B) standards to support the flags; and

(2) at nighttime:

(A) at least three flares and at least three
red-burning fusees;

(B) at least three red electric lanterns; or

(C) at least three portable red emergency reflectors.

(b) A person who operates an explosive cargo vehicle at nighttime:

(1) shall carry in the vehicle three red electric lanterns or three portable red emergency reflectors; and

(2) may not carry in the vehicle a flare, fusee, or signal produced by flame.

(c) A flare, electric lantern, or portable reflector must be visible and distinguishable at a distance of at least 600 feet at night under normal atmospheric conditions.

(d) A portable reflector unit must be designed and constructed to reflect a red light clearly visible at all distances from 100 to 600 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of headlamps.

(e) A flare, fusee, electric lantern, portable reflector, or warning flag must be a type approved by the department. (V.A.C.S. Art. 6701d, Secs. 137(a), (b) (part), (c).)

Source Law

Sec. 137. (a) No person shall operate any truck, bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in Subsection (b):

1. At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment has been approved by the Texas Department of Public Safety. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams.
of head lamps, and unless it is of a type which has been approved by the Department of Public Safety.

2. At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(b) No person shall operate at the time and under conditions stated in Subsection (a) [any motor vehicle used for the transportation of explosives, or any cargo tank truck used for the transportation of flammable liquids or compressed gases,] unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of Subsection (a) of this section and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.

(c) No person shall operate any truck, bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour before sunrise to a half hour after sunset unless there shall be carried in such vehicle at least two red flags, not less than twelve (12) inches square, with standards to support such flags.

Revisor's Note

(1) Section 137(a), V.A.C.S. Article 6701d, refers to "any time from a half hour after sunset to a half hour before sunrise." The revised law substitutes "nighttime" to conform to the definition in Section 541.401 of this code.

(2) Sections 137(a) and (c), V.A.C.S. Article 6701d, refer to particular vehicles operated "upon any . . . highway." The revised law omits this reference for the reason stated in Revisor's Note (1) to Section 547.004 of this code.

(3) Section 137(b), V.A.C.S. Article 6701d, refers to "any motor vehicle used for the transportation of explosives, or any cargo tank truck used for the transportation of flammable liquids or compressed gases." The revised law substitutes "explosive cargo vehicle" for the quoted phrase to conform to the definition added in Section 547.001(2) of this code.

(4) Section 137(c), V.A.C.S. Article 6701d, refers to "any time from a half hour before sunrise to
a half hour after sunset." The revised law substitutes "daytime" to conform to the definition in Section 541.401 of this code.

Revised Law

Sec. 547.503. DISPLAY OF HAZARD LAMPS. (a) The operator of a vehicle that is described by Subsection (b) and that is stopped on a roadway or shoulder shall immediately display vehicular hazard warning lamps that comply with Section 547.331, unless the vehicle:

(1) is parked lawfully in an urban district;
(2) is stopped lawfully to receive or discharge a passenger;
(3) is stopped to avoid conflict with other traffic;
(4) is stopped to comply with a direction of a police officer or an official traffic-control device; or
(5) displays other warning devices as required by Sections 547.504-547.507.

(b) This section applies to a truck, bus, truck-tractor, trailer, semitrailer, or pole trailer at least 80 inches wide or at least 30 feet long. (V.A.C.S. Art. 6701d, Sec. 138(a).)

Source Law

Sec. 138. (a) Whenever any truck, bus, truck tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of Section 125. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in Subsections (b) to (h) are in place.

Revisor's Note

Section 138(a), V.A.C.S. Article 6701d, refers to "Subsections (b) to (h)" of that section. Those subsections are revised in Sections 547.504-547.507 of this code, and the revised law is drafted accordingly.
Sec. 547.504. DISPLAY OF DEVICES WHEN LIGHTED LAMPS REQUIRED. (a) Unless sufficient light exists to reveal a person or vehicle at a distance of 1,000 feet, the operator of a vehicle described by Section 547.503(b) or an explosive cargo vehicle shall display warning devices that comply with the requirements of Section 547.502:

(1) when lighted lamps are required; and
(2) under the conditions stated in this section.

(b) Except as provided by Section 547.506 and Subsection (d), the operator of a vehicle described by Section 547.503(b) or an explosive cargo vehicle that is disabled, or stopped for more than 10 minutes, on a roadway outside an urban district shall:

(1) immediately place a lighted red electric lantern or a portable red emergency reflector at the traffic side of the vehicle in the direction of the nearest approaching traffic; and
(2) place in the following order and as soon as practicable within 15 minutes one lighted red electric lamp or portable red emergency reflector:

(A) in the center of the lane occupied by the vehicle toward approaching traffic approximately 100 feet from the vehicle; and
(B) in the center of the lane occupied by the vehicle in the opposite direction approximately 100 feet from the vehicle.

(c) Except as provided by Section 547.506 and Subsection (d), the operator of a vehicle described by Section 547.503(b) or an explosive cargo vehicle that is disabled, or stopped for more than 10 minutes, on a roadway of a divided highway shall place the warning devices described by Subsection (b):

(1) in the center of the lane occupied by the vehicle toward approaching traffic approximately 200 feet from the vehicle;
(2) in the center of the lane occupied by the vehicle toward approaching traffic approximately 100 feet from the vehicle;
1 and
2 (3) at the traffic side approximately 10 feet from the
3 vehicle in the direction of the nearest approaching traffic.
4 (d) As an alternative to the use of electric lamps or red
5 reflectors and except as provided by Subsection (e), the operator
6 of a vehicle described by Section 547.503(b) may display a lighted
7 fusee to comply with the requirements of Subsection (b)(1) or
8 liquid-burning flares to comply with the requirements of
9 Subsections (b)(2) and (c). If the operator uses liquid-burning
10 flares to comply with Subsection (b)(2), the operator shall also,
11 after complying with Subsection (b)(2)(B), place a liquid-burning
12 flare at the traffic side of the vehicle at least 10 feet in the
13 direction of the nearest approaching traffic. If a fusee is used
14 to comply with Subsection (b)(1), the operator shall comply with
15 Subsection (b)(2) within the burning period of the fusee.
16 (e) The operator of an explosive cargo vehicle may not
17 display as a warning device a flare, fusee, or signal produced by
18 flame. (V.A.C.S. Art. 6701d, Secs. 138(b), (d), (e) (part), (f),
19 (i) (part).)
20 Source Law
21 (b) Whenever any vehicle of a type referred to
22 in Subsection (a) is disabled, or stopped for more than
23 ten (10) minutes, upon a roadway outside of an urban
24 district at any time when lighted lamps are required,
25 the driver of such vehicle shall display the following
26 warning devices except as provided in Subsection (c):
27 1. A lighted fusee, a lighted red electric
28 lantern or a portable red emergency reflector shall
29 immediately be placed at the traffic side of the
30 vehicle in the direction of the nearest approaching
31 traffic.
32 2. As soon thereafter as possible but in
33 any event within the burning period of the fusee (15
34 minutes), the driver shall place three (3)
35 liquid-burning flares (pot torches), or three (3)
36 lighted red electric lanterns, or three (3) portable
37 red emergency reflectors on the roadway in the
38 following order:
39 (I) One (1), approximately one
40 hundred (100) feet from the disabled vehicle in the
41 center of the lane occupied by such vehicle and toward
42 traffic approaching in that lane.
43 (II) One (1), approximately one
44 hundred (100) feet in the opposite direction from the
45 disabled vehicle and in the center of the traffic lane
46 occupied by such vehicle.
47 (III) One (1) at the traffic side of
the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Paragraph (I) of this subsection, it may be used for this purpose.

(d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in Subsections (b) and (e) shall be placed as follows:

One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in Subsections (b) . . . or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The warning devices described in Subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

(i) The flares, fusees, red electric lanterns, portable red emergency reflectors . . . to be displayed as required in this section shall conform with the requirements of Section 137 applicable thereto.

Revisor's Note

(1) Section 138(b), V.A.C.S. Article 6701d, refers to a vehicle described by Subsection (a) of that section. Subsection (a) is revised in Section 547.503(b) of this code, and the revised law is drafted accordingly.

(2) Section 138(e), V.A.C.S. Article 6701d, refers to "any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed
flammable gas." The revised law substitutes "explosive
cargo vehicle" for the quoted phrase to conform to the
definition in Section 547.001(2) of this code.

Revised Law

Sec. 547.505. DISPLAY OF DEVICES WHEN LIGHTED LAMPS ARE NOT
REQUIRED. (a) The operator of a vehicle described by Section
547.503(b) or an explosive cargo vehicle that is disabled, or
stopped for more than 10 minutes, on a roadway outside an urban
district or on a roadway of a divided highway when lighted lamps
are not required shall display two red flags that comply with
Section 547.502.

(b) If traffic on the roadway moves in two directions, one
flag shall be placed approximately 100 feet to the rear and one
approximately 100 feet ahead of the vehicle in the center of the
lane occupied by the vehicle.

(c) If traffic on the roadway moves in one direction, one
flag shall be placed approximately 100 feet and one approximately
200 feet to the rear of the vehicle in the center of the lane
occupied by the vehicle. (V.A.C.S. Art. 6701d, Secs. 138(g), (i)
(part).)

Source Law

(g) Whenever any vehicle described in this
section is disabled, or stopped for more than ten (10)
minutes, upon a roadway outside of an urban district or
upon the roadway of a divided highway at any time when
lighted lamps are not required by Section 109, the
driver of the vehicle shall display two (2) red flags
as follows:

(I) If traffic on the roadway moves in two
directions, one (1) flag shall be placed approximately
one hundred (100) feet to the rear and one (1) flag
approximately one hundred (100) feet in advance of the
vehicle in the center of the lane occupied by such
vehicle.

(II) Upon a one-way roadway, one (1) flag
shall be placed approximately one hundred (100) feet
and one (1) flag approximately two hundred (200) feet
to the rear of the vehicle in the center of the lane
occupied by such vehicle.

(i) . . . flags [to be displayed as required in
this section shall conform with the requirements of
Section 137 applicable thereto.]
Sec. 547.506. DISPLAY OF DEVICES: VEHICLES OFF ROADWAY.

The operator of a vehicle described by Section 547.503(b) or an explosive cargo vehicle that is stopped entirely on the shoulder at a time and in a place referred to in this subchapter shall place required warning devices on the shoulder as close as practicable to the edge of the roadway. (V.A.C.S. Art. 6701d, Sec. 138(h).)

Sec. 547.507. DISPLAY OF DEVICES WHEN VIEW OF VEHICLE OBSTRUCTED. Unless sufficient light exists to reveal a person or vehicle at a distance of 1,000 feet, the operator of a vehicle described by Section 547.503(b) or an explosive cargo vehicle that is disabled, or stopped for more than 10 minutes, within 500 feet of a curve, hillcrest, or other obstruction to view shall place the required warning device for the direction of the obstruction from 100 to 500 feet from the vehicle so as to provide ample warning to other traffic. (V.A.C.S. Art. 6701d, Secs. 138(c), (e) (part), (f).)

(c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

[(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in Subsections] ... (c) ... [the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein.] ...
(f) The warning devices described in Subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.

Reviser's Note

The visibility distance range referred to in Section 138(c), V.A.C.S. Article 6701d, is revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

Revised Law

Sec. 547.508. OFFENSE RELATING TO WARNING DEVICES. (a) Except as provided by Subsection (b), a person may not remove, damage, destroy, misplace, or extinguish a warning device required under Sections 547.502-547.507 when the device is being displayed or used as required.

(b) This section does not apply to:

(1) an owner of a vehicle or the owner's authorized agent or employee; or

(2) a peace officer acting in an official capacity.

(V.A.C.S. Art. 6701d, Sec. 138(j).)

Source Law

(j) It shall be unlawful for any person except any peace officer while acting in his official capacity, or the owner of the vehicle or his duly authorized agent or employee, to remove, damage, destroy, misplace, or extinguish any lamp, flare, fusee, or other signaling device required under this section and Section 137 of this Act, while the same are being displayed or being used as required by this Act.

[Sections 547.509-547.600 reserved for expansion]

SUBCHAPTER K. PROVISIONS RELATING TO OTHER VEHICLE EQUIPMENT

Revised Law

Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle required by Chapter 548 to be inspected shall be equipped with front safety belts if safety belt anchorages were part of the manufacturer's original equipment on the vehicle. (V.A.C.S.
Sec. 139E. Every motor vehicle required by Article XV of this Act to be inspected shall be equipped with front safety belts where safety belt anchorages were part of the manufacturer's original equipment on the vehicle.

Revisor's Note
Section 139E, V.A.C.S. Article 6701d, refers to "Article XV of this Act," codified in this code as Chapter 548. The revised law is drafted accordingly.

Revised Law
Sec. 547.602. MIRRORS REQUIRED. A motor vehicle, including a motor vehicle used to tow another vehicle, shall be equipped with a mirror located to reflect to the operator a view of the highway for a distance of at least 200 feet from the rear of the vehicle.

Source Law
Sec. 134A. On and after January 1, 1972, every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such motor vehicle.

Revisor's Note
(1) Section 134A, V.A.C.S. Article 6701d, provides that mirrors are required "[o]n and after January 1, 1972." The revised law omits as executed the reference to this date.

(2) Section 139F(k), V.A.C.S. Article 6701d, provides that a motorcycle and motor-driven cycle shall comply with the requirements and limitations of Section 134A on mirrors. The revised law omits the reference
to these vehicles because Section 134A, V.A.C.S. Article 6701d, as revised in this section, provides that a "motor vehicle" must comply with the requirements stated, and "motorcycle" or "motor-driven cycle" is included within the broader category of "motor vehicle."

Revised Law

Sec. 547.603. WINDSHIELD WIPERS REQUIRED. A motor vehicle shall be equipped with a device that is operated or controlled by the operator of the vehicle and that cleans moisture from the windshield. The device shall be maintained in good working condition. (V.A.C.S. Art. 6701d, Sec. 134B.)

Source Law

Sec. 134B. (a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. (b) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Revised Law

Sec. 547.604. MUFFLER REQUIRED. (a) A motor vehicle shall be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual noise. (b) A person may not use a muffler cutout, bypass, or similar device on a motor vehicle. (V.A.C.S. Art. 6701d, Secs. 134(a), 139F(k) (part).)

Source Law

Sec. 134. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and no person shall use a muffler cut out, bypass, or similar device upon a motor vehicle on a highway. [Sec. 139F] (k) [Other Equipment. Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of] . . . Section 134 on mufflers and prevention of noise . . . .

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Revisor's Note

(1) Section 134(a), V.A.C.S. Article 6701d, refers to the operation of a vehicle "on a highway." The revised law omits this reference for the reason stated in Revisor's Note (1) to Section 547.004 of this code.

(2) Section 139F(k), V.A.C.S. Article 6701d, provides that a motorcycle and motor-driven cycle shall comply with the requirements and limitations of Section 134 on mufflers and prevention of noise. The revised law omits the specific reference to these vehicles because Section 134, V.A.C.S. Article 6701d, as revised in this section, provides that a "motor vehicle" must comply with the requirements stated, and "motorcycle" or "motor-driven cycle" is included within the broader category of "motor vehicle."

Revised Law

Sec. 547.605. EMISSION SYSTEMS REQUIRED. (a) The engine and power mechanism of a motor vehicle shall be equipped and adjusted to prevent the escape of excessive smoke or fumes.

(b) A motor vehicle or motor vehicle engine, of a model year after 1967, shall be equipped to prevent the discharge of crankcase emissions into the ambient atmosphere.

(c) The owner or operator of a motor vehicle or motor vehicle engine, of a model year after 1967, that is equipped with an exhaust emission system:

(1) shall maintain the system in good working condition;

(2) shall use the system when the motor vehicle or motor vehicle engine is operated; and

(3) may not remove the system or a part of the system or intentionally make the system inoperable in this state, unless the owner or operator removes the system or part to install another
system or part intended to be equally effective in reducing atmospheric emissions. (V.A.C.S. Art. 6701d, Secs. 134(b), (c), (d).)

Source Law

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) Every new motor vehicle and new motor vehicle engine beginning with the model year 1968 shall at all times be so equipped that crankcase emissions are not discharged into the ambient atmosphere from the vehicle or engine.

(d) The owner or operator of any new motor vehicle or new motor vehicle engine beginning with the model year 1968 equipped with an exhaust emission system shall maintain the exhaust emission system in good operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. The owner or operator of the motor vehicle or motor vehicle engine shall not remove or intentionally make inoperable within the State of Texas the exhaust emission system, or any part thereof, except where the purpose of removal of the exhaust emission system, or part thereof, is to install another exhaust emission system, or part thereof, which is intended to be equally effective in reducing atmospheric emissions from the vehicle or engine.

Reviser's Note

Sections 134(c) and (d), V.A.C.S. Article 6701d, refer to a "new" motor vehicle and motor vehicle engine beginning with the model year 1968. The revised law omits the reference to "new" because this term does not add meaning to the description of a motor vehicle or motor vehicle engine beginning with the model year 1968.

Revised Law

Sec. 547.606. SAFETY GUARDS OR FLAPS REQUIRED. (a) A road tractor, truck, trailer, truck-tractor in combination with a semitrailer, or semitrailer in combination with a towing vehicle that has at least four tires on the rearmost axle of the vehicle or the rearmost vehicle in the combination shall be equipped with safety guards or flaps that:

(1) are of a type prescribed by the department; and
(2) are located and suspended behind the rearmost wheels of the vehicle or the rearmost vehicle in the combination within eight inches of the surface of the highway.

(b) This section does not apply to a truck-tractor operated alone or a pole trailer. (V.A.C.S. Art. 6701d, Sec. 139A.)

Source Law

Sec. 139A. It shall be unlawful to operate any road tractor, truck, truck tractor in combination with a semitrailer, trailer or semitrailer in combination with a towing vehicle, having four (4) or more tires on the rearmost axle of such vehicle or if in combination the rearmost axle of such combination, upon highways in this State, unless the rearmost axle of such road tractor, truck, truck tractor in combination with a semitrailer, trailer, or semitrailer in combination with a towing vehicle, be equipped with safety guards or flaps of a type of material and construction as prescribed by the Department, located and suspended behind the rearmost wheels of such vehicle or if in combination behind the rearmost vehicle of such combination, to within eight (8) inches of the surface of the highway. Provided, however, pole trailers, truck tractors operated alone and without being in combination with a semitrailer, and all trucks operated on private property, shall not come under the provisions of this section.

Revisor's Note

Section 139A, V.A.C.S. Article 6701d, refers to certain vehicles operated "upon highways in this State." The revised law omits the quoted phrase for the reason stated in Revisor's Note (2) to Section 547.105 of this code.

Section 139A also provides that "trucks operated on private property, shall not come under the provisions of this section." The revised law omits this phrase as unnecessary because Section 21, V.A.C.S. Article 6701d, as revised in this code as Section 542.001, limits the application of this subtitle to vehicles operated on a highway. Because a highway is not private property, this chapter does not apply to the operation of vehicles on private property, and there is no need to include the quoted phrase in the
revised law.

Revised Law

Sec. 547.607. FIRE EXTINGUISHER REQUIRED. A school bus or a motor vehicle that transports passengers for hire or lease shall be equipped with at least one quart of chemical-type fire extinguisher in good condition and located for immediate use. (V.A.C.S. Art. 6701d, Sec. 107.)

Source Law

Sec. 107. Every school bus and every motor vehicle engaged in the transportation of passengers for hire or lease shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use.

Revised Law

Sec. 547.608. SAFETY GLAZING MATERIAL REQUIRED. (a) Except as provided by Subsection (b), a person who sells or registers a new passenger-type motor vehicle, including a passenger bus and school bus, shall equip the vehicle doors, windows, and windshield with safety glazing material of a type approved by the department.

(b) The requirements of Subsection (a) do not apply to a glazing material in a compartment of a truck, including a truck-tractor, that is not designed and equipped for a person to ride in.

(c) A person may not replace or require the replacement of glass in a door, window, or windshield of any motor vehicle if the replacement is not made with safety glazing material.

(d) A person who sells or attaches to a motor vehicle a camper manufactured or assembled after January 1, 1972, shall equip the camper doors and windows with safety glazing material of a type approved by the department. In this subsection "camper" means a structure designed to:

(1) be loaded on or attached to a motor vehicle; and

(2) provide temporary living quarters for recreation, travel, or other use.
(e) A person who sells imperfect safety glass for a door, window, or windshield of a motor vehicle shall:

(1) label the glass "second," "imperfect," or by a similar term in red letters at least one inch in size to indicate to the consumer the quality of the glass;

(2) orally notify the consumer of each imperfection and the possible result of using imperfect glass; and

(3) deliver written notice at the time of purchase notifying the consumer of each imperfection and the possible result of using imperfect glass. (V.A.C.S. Art. 6701d, Secs. 136(a), (c), (d) (as added Ch. 83, Acts 62nd Leg., R.S., 1971), (d) (as added Ch. 1007, Acts 62nd Leg., R.S., 1971).)

Source Law

Sec. 136. (a) On and after January 1, 1972, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the Department of Public Safety wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall not apply to glazing material in compartments not so designed and equipped that persons may ride therein.

(c) It shall be unlawful after the first day of January, 1972, for any person to replace or cause to be replaced, any glass in doors, windows or windshields in any motor vehicle, unless such replacement be made with safety glazing materials as defined in this Act.

(d) No person shall sell or affix to a motor vehicle any camper manufactured or assembled after January 1, 1972, unless such camper is equipped with safety glazing material of a type approved by the Department of Public Safety, wherever glazing material is used in doors and windows. As used in this section "camper" means any structure designed to be loaded onto, or affixed to, a motor vehicle to provide temporary living quarters for recreation, travel, or other use.

(d) No person shall sell imperfect safety glass for doors, windows, or windshields of motor vehicles unless the glass is labelled "second" or "imperfect" or by a similar term in red letters each letter being at least one inch in size which will clearly indicate to the consumer the quality of the glass being sold; the seller of each piece of imperfect glass will notify the consumer verbally of the imperfection and what could possibly result because of said imperfection, and will also deliver in writing at the time of purchase the quality of the glass explaining all imperfections and
what could result because of the imperfections.

Revisor's Note
Sections 136(a) and (c), V.A.C.S. Article 6701d, provide that safety glazing material is required "[o]n and after January 1, 1972," and that it is unlawful "after the first day of January, 1972" to replace glass unless safety glazing material is used. The revised law omits as executed the referenced date.

Revised Law
Sec. 547.609. SUNSCREENING DEVICES PERMITTED. A sunscreening device must have a label that:
(1) is legible;
(2) contains information required by the department on light transmission and luminous reflectance of the device; and
(3) is permanently installed between the material and the surface to which the material is applied. (V.A.C.S. Art. 6701d, Sec. 134C(g).)

Source Law
(g) A sunscreening device must have a label, containing information required by the Department regarding the levels of light transmission and luminous reflectance of the device, that is permanently installed between the material and the surface to which the material is applied or affixed and is legible. A violation of this Subsection is punishable under Section 143 of this Act as a violation of this Act.

Revisor's Note
Section 134C(g), V.A.C.S. Article 6701d, provides that a violation of that subsection is punishable under Section 143, V.A.C.S. Article 6701d. The revised law omits this reference as redundant because Section 143(a), V.A.C.S. Article 6701d, as revised in this code as Section 542.301, provides generally that a violation of any provision of Article 6701d is an offense punishable as a misdemeanor under Section 143.
Revised Law

Sec. 547.610. SAFE AIR-CONDITIONING EQUIPMENT REQUIRED; SALE OF NONCOMPLYING VEHICLE. (a) Air-conditioning equipment:

(1) shall be manufactured, installed, and maintained to ensure the safety of the vehicle occupants and the public; and

(2) may not contain any refrigerant that is flammable or is toxic to persons.

(b) A person may not possess or offer for sale, sell, or equip a motor vehicle with air-conditioning equipment that does not comply with the requirements of this section and Section 547.103.

(V.A.C.S. Art. 6701d, Secs. 139C(b), (d).)

Source Law

(b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

Revisor's Note

(1) Section 139C(d), V.A.C.S. Article 6701d, refers to air-conditioning equipment that complies with the requirements of this "section." The revised law adds a cross-reference to Section 547.103 of this code because other requirements for air-conditioning equipment derived from Section 139C are revised in that section.

(2) Section 139C(e), V.A.C.S. Article 6701d, provides that a person may not operate a motor vehicle equipped with air-conditioning equipment that does not comply "with the requirements of this section." The revised law omits this subsection as unnecessary because Section 108(a-1), V.A.C.S. Article 6701d, as revised in this code as Section 547.004, prohibits, as
a general provision, operating a motor vehicle equipped in a manner that violates this chapter. The omitted law reads:

(e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Revised Law

Sec. 547.611. TELEVISION RECEIVERS PERMITTED. (a) A motor vehicle may be equipped with video receiving equipment, including a television and similar equipment, only if the equipment is located so that the video display is not visible from the operator's seat.

(b) A motor vehicle specially designed as a mobile unit used by a licensed television station may have video receiving equipment located so that the video display is visible from the operator's side, but the receiver may be used only when the vehicle is stopped.

(c) This section does not prohibit the use of equipment used:

(1) exclusively for receiving digital information for commercial purposes;

(2) exclusively for a safety or law enforcement purpose, if each installation is approved by the department; or

(3) in a remote television transmission truck.

(V.A.C.S. Art. 6701d, Sec. 139D.)

Source Law

Sec. 139D. (a) No motor vehicle operated on the highways of this State shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat; provided, however, it shall be lawful for a motor vehicle specially designed as a mobile unit used in connection with a licensed television station to have television-type receiving equipment so located that the viewer or screen is visible from the driver's side but said receiver shall never be used unless said motor vehicle is stopped.

(b) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes provided each such installation is approved by the Department of Public Safety, or installations in remote television
transmission trucks.

(c) This section does not prohibit the use of television-type receiving equipment used exclusively for receiving digital information for commercial purposes.

Revisor's Note
Section 139D(a), V.A.C.S. Article 6701d, refers to a motor vehicle operated "on the highways of this State." The revised law omits the quoted phrase for the reason stated in Revisor's Note (2) to Section 547.105 of this code.

Revised Law
Sec. 547.612. RESTRICTIONS ON USE AND SALE OF TIRES. (a) A solid rubber tire used on a vehicle must have rubber on the traction surface that extends above the edge of the flange of the periphery.

(b) A person may not operate or move a motor vehicle, trailer, or semitrailer that has a metal tire in contact with the roadway, unless:

   (1) the vehicle is a farm wagon or farm trailer that has a gross weight of less than 5,000 pounds; and

   (2) the owner is transporting farm products to market, for processing, or from farm to farm.

(c) A tire used on a moving vehicle may not have on its periphery a block, stud, flange, cleat, or spike or other protuberance of a material other than rubber that projects beyond the tread of the traction surface, unless the protuberance:

   (1) does not injure the highway; or

   (2) is a tire chain of reasonable proportion that is used as required for safety because of a condition that might cause the vehicle to skid.

(d) The Texas Transportation Commission and a local authority within its jurisdiction may issue a special permit that authorizes a person to operate a tractor or traction engine that has movable tracks with transverse corrugations on the periphery or

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a farm tractor or other farm machinery.

(e) A person commits an offense if the person offers for sale or sells a private passenger automobile tire that is regrooved. An offense under this section is a misdemeanor punishable by a fine of not less than $500 or more than $2,000.

(V.A.C.S. Art. 6701d, Sec. 135.)

Source Law

Sec. 135. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface extending above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, provided however this section shall not apply to farm wagons and/or farm trailers having a gross weight less than five thousand (5,000) pounds where owners are in the act of transporting farm products to market or for processing or from farm to farm.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) The State Highway Commission and local authorities in their respective jurisdictions may in their discretion issue a special permit authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Act.

(e)(1) After January 1, 1973, no person may sell or offer for sale regrooved tires. The provisions of this Section shall apply only to private passenger automobile tires.

(2) Any person violating Subdivision (1) of this Section is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $500 nor more than $2,000.

Reviser's Note

(1) Sections 135(b), (c), and (d), V.A.C.S. Article 6701d, refer to operation of a vehicle on a highway. The revised law omits this reference for the reason stated in Reviser's Note (1) to Section 547.004.
of this code.

(2) Section 135(d), V.A.C.S. Article 6701d, refers to the State Highway Commission. In 1991, the name of the commission was changed by amendment to Article 6663, Revised Statutes (Section 1.01, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991), to the Texas Transportation Commission. The revised law is drafted accordingly.

(3) Section 135(e)(1), V.A.C.S. Article 6701d, prohibits offering or selling regrooved tires "[a]fter January 1, 1973." The revised law omits as executed the referenced date.

Revised Law

Sec. 547.613. RESTRICTIONS ON WINDOWS. (a) Except as provided by Subsection (b), a person commits an offense that is a misdemeanor:

(1) if the person operates a motor vehicle that has an object or material that is placed on or attached to the windshield or side or rear window and that obstructs or reduces the operator's clear view; or

(2) if a person, including an installer or manufacturer, places on or attaches to the windshield or side or rear window of a motor vehicle a transparent material that alters the color or reduces the light transmission.

(b) This section does not apply to:

(1) a windshield that has a sunscreening device that:

(A) has a light transmission of 33 percent or more;

(B) has a luminous reflectance of 35 percent or less;

(C) is not red or amber; and

(D) does not extend downward beyond the AS-1 line or more than five inches from the top of the windshield,
whichever is closer to the top of the windshield;

(2) a front side wing vent or window, a side window to the rear of the vehicle operator, or a rear window that has a sunscreening device that has a light transmission of 35 percent or more and a luminous reflectance of 35 percent or less;

(3) a rear window, if the motor vehicle is equipped with an outside mirror on each side of the vehicle that reflects to the vehicle operator a view of the highway for a distance of at least 200 feet from the rear;

(4) a rearview mirror;

(5) an adjustable nontransparent sun visor that is mounted in front of a side window and not attached to the glass;

(6) a direction, destination, or termination sign on a passenger common carrier motor vehicle, if the sign does not interfere with the vehicle operator's view of approaching traffic;

(7) a rear window wiper motor;

(8) a rear trunk lid handle or hinge;

(9) a luggage rack attached to the rear trunk;

(10) a side window that is to the rear of the vehicle operator on a multipurpose vehicle;

(11) a window that has a United States, state, or local certificate placed on or attached to it as required by law;

(12) a motor vehicle that is not registered in this state;

(13) a motor vehicle with a manufacturer's model year before 1988; or

(14) a vehicle that is:

(A) used regularly to transport passengers for a fee; and

(B) authorized to operate under license or permit by a local authority.

(c) A manufacturer shall certify to the department that the device made or assembled by the manufacturer complies with the light transmission and luminous reflectance specifications
established by Subsection (b).

(d) The department may determine that a window that has a sunscreening device is exempt under Subsection (b)(2) if the light transmission or luminous reflectance varies by no more than three percent from the standard established in that subsection.

(e) It is a defense to prosecution under this section that the defendant or a passenger in the vehicle at the time of the violation is required for a medical reason to be shielded from direct rays of the sun.

(f) It is not an offense under this section for a person to offer for sale or sell a motor vehicle with a windshield or window that does not comply with this section.

(g) In this section:

(1) "Installer" means a person who fabricates, laminates, or tempers a safety glazing material to incorporate, during the installation process, the capacity to reflect light or reduce light transmission.

(2) "Manufacturer" means a person who:

(A) manufactures or assembles a sunscreening device; or

(B) fabricates, laminates, or tempers safety glazing material to incorporate, during the manufacturing process, the capacity to reflect light or reduce light transmission.

Source Law

(a) In this Section:

(4) "Manufacturer" means a person who:

(A) engages in the manufacture or assembly of a sunscreening device; or

(B) fabricates, laminates, or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(5) "Installer" means a person who fabricates, laminates, or tempers a safety glazing material, incorporating, during the installation process, the capacity to reflect or reduce the transmission of light.
(b) Except as provided by Subsection (d) of this Section, a person commits an offense if the person operates a motor vehicle with any object or material placed on or affixed to the windshield or to a side or rear window of the vehicle so as to obstruct or reduce the driver's clear view through the windshield or side or rear window.

(c) Except as provided by Subsection (d) of this Section, a person, including an installer or manufacturer, commits an offense if the person places on or affixes to the windshield or to a side or rear window of a motor vehicle any transparent material if the material alters the color or reduces the light transmission of the windshield or side or rear window.

(d) This Section does not apply to:

(1) a windshield that has a sun screening device that:
   (A) has a light transmission of not less than thirty-three (33) percent;
   (B) has a luminous reflectance of not more than thirty-five (35) percent;
   (C) is not red or amber in color; and
   (D) does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield;

(2) a front side wing vent or window that has a sun screening device that has a light transmission of not less than thirty-five (35) percent and a luminous reflectance of not more than thirty-five (35) percent;

(3) a side window to the rear of the driver, or a rear window, that has a sun screening device that has a luminous reflectance of not more than thirty-five (35) percent and a light transmission of not less than thirty-five (35) percent;

(4) a rear window if the motor vehicle is equipped with outside mirrors on both the left and right sides of the vehicle that are located so as to reflect to the driver a view of the highway through each mirror a distance of at least two hundred feet to the rear of the vehicle;

(5) a rearview mirror;

(6) an adjustable nontransparent sun visor mounted forward of the side windows and not attached to the glass;

(7) a direction, destination, or termination sign on a passenger common carrier motor vehicle, if the sign does not interfere with the driver's clear view of approaching traffic;

(8) a rear window wiper motor;

(9) a rear trunk lid handle or hinge;

(10) a luggage rack attached to the rear trunk;

(11) a side window that is to the rear of the driver on a multipurpose vehicle; or

(12) a motor vehicle that is not registered in this state.

(e) The Department may determine that a window that has a sun screening device is exempt under Subdivision (2) or (3) of Subsection (d) of this Section if the light transmission or luminous reflectance of the device varies from the standards in those sub-divisions by not more nor less than three (3) percent.

(f) A manufacturer shall certify to the Department that the device the manufacturer makes or
assembles complies with the luminous reflectance and
light transmission specifications excepted in
Subsection (d) of this Section. . . .

(i) It is a defense to prosecution for a
violation of this Section that the defendant or a
person who was a passenger in the vehicle at the time
of the violation is required for medical reasons to be
shielded from the direct rays of the sun.

(j) This Section does not apply to the use or
placement on any window of a federal, state, or local
certificate required by law.

(k) This Section does not apply to operation of
a motor vehicle if the manufacturer's model year of the
motor vehicle is before 1988.

(l) This Section does not apply to a vehicle
that is used to transport passengers for a fee on a
regular basis and that is authorized to operate under
license or permit by a local authority, if that
authority provides for the issuance of such permits.

(m) It is not a violation of this Section to
sell or offer for sale a motor vehicle with a
windshield or window that does not comply with the
terms of this Section.

Reviser's Note

(1) Section 134C(f), V.A.C.S. Article 6701d,
provides that sunscreening devices are subject to
testing and compliance proceedings as provided by
Sections 108D, 108E, and 108F, V.A.C.S. Article 6701d,
revised in this chapter as Subchapter C. The revised
law omits this reference as unnecessary because every
item of vehicle equipment for which a department
standard has been established is subject to testing and
compliance proceedings under Sections 108D, 108E, and
108F. The omitted provision reads:

A sunscreening device certified under this
Subsection is subject to testing by the
Department and proceedings on compliance as
provided by Sections 108D, 108E, and 108F
of this Act.

(2) Section 134C(h), V.A.C.S. Article 6701d,
allows the department to adopt regulations to enforce
this section. The revised law omits this section as
unnecessary because Section 108(d), V.A.C.S. Article
6701d, as revised in this code as Section 547.101,
provides, as a general provision, that the department
may adopt rules necessary to administer this chapter.
The omitted law reads:

(h) The Department may adopt regulations for the visual verification of compliance with the provisions of Subsection (d)(2) or (3) of this Section.

(3) Section 134C(1), V.A.C.S. Article 6701d, refers to a vehicle that is authorized to operate under license or permit by a local authority "if that authority provides for issuance of such permits." The revised law omits the quoted provision as unnecessary because the local authority cannot issue a permit if the authority does not provide for issuance of permits.

[Sections 547.614-547.700 reserved for expansion]

SUBCHAPTER L. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SCHOOL BUSES, AUTHORIZED EMERGENCY VEHICLES, AND SLOW-MOVING VEHICLES

Revised Law

Sec. 547.701. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SCHOOL BUSES. (a) A school bus shall be equipped with:

(1) a convex mirror or other device that reflects to the school bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view; and

(2) signal lamps that:

(A) are mounted as high and as widely spaced laterally as practicable;

(B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level; and

(C) emit a light visible at a distance of 500 feet in normal sunlight.

(b) A school bus may be equipped with:

(1) rooftop warning lamps:

(A) that conform to and are placed on the bus in accordance with specifications adopted under Section 11.12, Education Code; and
(B) which may be operated only during inclement weather when the bus is stopping or is stopped to load or unload schoolchildren; and

(2) movable stop arms:

(A) that conform to regulations adopted under Section 11.12, Education Code; and

(B) which may be operated only when the bus is stopped to load or unload schoolchildren.

(c) A school bus operator shall activate the warning equipment designed to warn other vehicle operators that the bus is stopping to load or unload children, including flashing warning signal lamps, when the bus is stopping or stopped to load or unload schoolchildren. A person may not activate the warning equipment at any other time. (V.A.C.S. Art. 6701d, Secs. 105(b) (as amended Chs. 122 and 868, Acts 69th Leg., R.S., 1985), (c), (e); 124(b) (part); 131(e).)

Source Law

[Sec. 105]

(b) In addition to the signal lamps required by Section 124 of this Act, a school bus may be equipped with rooftop warning lamps that conform to and are placed on the bus in accordance with specifications adopted under Subsection (a) of this section. The warning lamps may be operated only during inclement weather when the bus is being stopped or is stopped on a highway for the purpose of permitting school children to board or alight from the school bus.

(b) When a school bus is being stopped or is stopped on a highway to permit school children to board or alight from the bus, the bus driver shall activate all flashing warning signal lights or other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children. It shall be unlawful for the driver of a school bus to fail to activate flashing warning signal lights or other equipment as required by this subsection. It shall also be unlawful to operate any flashing warning signal light on any school bus except when the school bus is being stopped or is stopped on a highway for the purpose of permitting school children to board or alight from the school bus.

(c) Every school bus shall be equipped with convex mirrors or other devices which enable the driver to have a clear view of the area immediately in front of the vehicle that would otherwise be hidden from his view.

(e) A school bus may be equipped and operated with movable stop arms in conformity with regulations adopted under Subsection (a) of this section. A
movable stop arm on a school bus may be operated only
when the bus is stopped for permitting school children
to board or alight from the bus.

[Sec. 124]
(b) Every school bus . . . shall, . . . in
addition to any other equipment and distinctive
markings required by this Act, be equipped with signal
lamps mounted as high and as widely spaced laterally as
practicable, which shall be capable of displaying to
the front two alternately flashing red lights located
at the same level and to the rear two alternately
flashing red lights located at the same level, and
these lights shall have sufficient intensity to be
visible at 500 feet in normal sunlight.

[Sec. 131]
(e) It shall be unlawful to operate any flashing
warning signal light on any school bus except when the
school bus is being stopped or is stopped on a highway
for the purpose of permitting school children to board
or alight from the school bus.

Reviser's Note
(1) Sections 105(b) (as amended by Chapters 122
and 868, Acts of the 69th Legislature, Regular Session,
1985) and 131(e), V.A.C.S. Article 6701d, refer to a
school bus stopped "on a highway." The revised law
omits the reference to operation on a highway for the
reason stated in Reviser's Note (1) to Section 547.004
of this code.

(2) Sections 105(b) (as amended by Chapter 868,
Acts of the 69th Legislature, Regular Session, 1985)
and 124(b), V.A.C.S. Article 6701d, provide that the
equipment requirements stated are in addition to other
equipment requirements. The revised law omits these
provisions as unnecessary because equipment
requirements are cumulative unless a requirement is
provided as an alternative.

(3) Sections 105(b) (as amended by Chapter 868,
Acts of the 69th Legislature, Regular Session, 1985)
and 105(e), V.A.C.S. Article 6701d, refer to Section
105(a), which establishes the procedure for adopting
and enforcing rules governing the operation of school
buses. The revised law omits Subsection (a) as
unnecessary because Section 11.12, Education Code, contains a substantively identical provision, and the revised law substitutes a cross-reference to Section 11.12, Education Code, as necessary. The omitted law reads:

Sec. 105. (a) The Texas Education Agency and the State Board of Control, by and with the advice of the Director of the Department of Public Safety, shall have joint and complete responsibility to adopt and enforce regulations governing the design, color, lighting and other equipment, construction, and operation of all school buses for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. The State Board of Control shall coordinate and correlate all specification data, finalize and issue the specifications so adopted as provided for by Section 10, Chapter 304, Acts of the Fifty-fifth Legislature, 1957 (codified as Article 664-3, Vernon's Texas Civil Statutes). In the promulgation of such regulations, emphasis shall be placed on safety features and long-range, maintenance-free factors; provided, however, all school buses shall be purchased on competitive bids as provided by Article 634(B), Vernon's Texas Civil Statutes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations. The State Board of Control shall purchase equipment to conform to these standards (as prescribed by the above-mentioned body).

Revised Law

Sec. 547.702. ADDITIONAL EQUIPMENT REQUIREMENTS FOR AUTHORIZED EMERGENCY VEHICLES. (a) An authorized emergency vehicle may be equipped with a siren, exhaust whistle, or bell:

(1) of a type approved by the department; and

(2) that emits a sound audible under normal conditions at a distance of at least 500 feet.

(b) The operator of an authorized emergency vehicle shall use the siren, whistle, or bell when necessary to warn other vehicle operators or pedestrians of the approach of the emergency
vehicle.

(c) Except as provided by this section, an authorized emergency vehicle shall be equipped with signal lamps that:

(1) are mounted as high and as widely spaced laterally as practicable;

(2) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level; and

(3) emit a light visible at a distance of 500 feet in normal sunlight.

(d) A private vehicle operated by a volunteer firefighter responding to a fire alarm or a medical emergency may, but is not required to, be equipped with signal lamps that comply with the requirements of Subsection (c).

(e) A private vehicle operated by a volunteer firefighter responding to a fire alarm or a medical emergency may be equipped with a signal lamp that is temporarily attached to the vehicle roof and flashes a red light visible at a distance of at least 500 feet in normal sunlight.

(f) A police vehicle may, but is not required to, be equipped with signal lamps that comply with Subsection (c).

(V.A.C.S. Art. 6701d, Secs. 124(a), (b) (part), (b-1) (part), (c); 133(d) (part).)

Source Law

Sec. 124. (a) Every authorized emergency vehicle may, in addition to any other equipment and distinctive markings required by this Act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

(b) ... and every authorized emergency vehicle shall, except as provided by Subsection (b-1) of this section, in addition to any other equipment and distinctive markings required by this Act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. ... 

(b-1) A private vehicle operated by a volunteer fire fighter while answering a fire alarm or responding to a medical emergency may be equipped with the signal...
lamps required by Subsection (b) of this section or with a signal lamp that is temporarily attached to the vehicle roof and that flashes a red light with sufficient intensity to be visible at 500 feet in normal sunlight, but is not required to be equipped with either type of signal lamp . . .

(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

[Sec. 133]

(d) [Any authorized emergency vehicle may be equipped with a siren, whistle or bell,] capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. The driver of such vehicle shall sound said siren, whistle or bell when necessary to warn pedestrians and other drivers of the approach thereof.

Reviser's Note

(1) Sections 124(a) and (b), V.A.C.S. Article 6701d, provide that the equipment requirement stated is in addition to other equipment requirements. The revised law omits this provision for the reason stated in Reviser's Note (2) to Section 547.701 of this code.

(2) Section 124(b-1), V.A.C.S. Article 6701d, refers to the operation of a volunteer firefighter vehicle being subject to Section 24. The revised law omits the provision as unnecessary because Section 24 is applicable to the operation of authorized emergency vehicles and nothing in Section 124 indicates that Section 24 would not be applicable. The omitted provision reads:

Operation of the vehicle is subject to applicable requirements of Section 24 of this Act.

(3) Section 124(c), V.A.C.S. Article 6701d, refers to a police vehicle "when used as an authorized emergency vehicle." The revised law omits the quoted phrase as unnecessary because a police vehicle is an authorized emergency vehicle under the definition in Section 541.201 of this code.
Sec. 547.703. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SLOW-MOVING VEHICLES. (a) Except as provided by Subsection (b), a slow-moving vehicle shall display a slow-moving-vehicle emblem that:

(1) has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet;
(2) is mounted base down on the rear of the vehicle at a height from three to five feet above the road surface; and
(3) is maintained in a clean, reflective condition.

(b) Subsection (a) does not apply to a vehicle that is used in construction or maintenance work and is traveling in a construction area that is marked as required by the Texas Transportation Commission.

(c) If a motor vehicle displaying a slow-moving-vehicle emblem tows machinery, including an implement of husbandry, and the visibility of the emblem is not obstructed, the towed unit is not required to display a slow-moving-vehicle emblem.

(d) A golf cart as defined by Section 502.001 is required to display a slow-moving-vehicle emblem only when it is operated on an arterial street.

(e) In this section, "arterial street" means:

(1) a roadway assigned a number by this state or the United States;
(2) a controlled-access highway; or
(3) a major radial or circumferential street or highway that is in the territory of a local authority and designated by the authority as part of a major arterial system of streets or highways. (V.A.C.S. Art. 6701d, Secs. 13(h); 139B, Subdivs. 2 (part), 3.)
or circumferential street or highway designated by
local authorities within their respective jurisdictions
as part of a major arterial system of streets or
highways.

[Sec. 139B]

Subd. 2. . . . emblem having a reflecting
surface and designed to be clearly visible, in daylight
or at night by reflection from the light of standard
automobile headlamps, at a distance of not less than
five hundred (500) feet . . . .

Subd. 3. (a) A "slow-moving vehicle" may
not be operated or drawn upon any public street or
highway in this state unless the same shall be equipped
with and unless there shall be displayed at the rear
thereof a "slow-moving-vehicle emblem" conforming to
the standards and specifications adopted by the
Director of the Department of Public Safety as above
directed; provided that this requirement shall not
apply to any such vehicle when being used in actual
construction or maintenance work and while traveling
within the limits of a construction area which is
marked as such in accordance with requirements of the
State Highway Commission. Such emblem shall be mounted
base down on the rear of the vehicle, not less than
three (3) feet nor more than five (5) feet above the
road surface, and shall be maintained in a clean,
reflective condition. The requirement of such emblem
shall be in addition to any other lighting or
reflective devices required by law.

(b) When a motor vehicle displaying a
slow-moving-vehicle emblem is drawing or towing an
implement of husbandry or other machinery, and the
visibility of the emblem on the pulling unit is not
obstructed by the implement or machinery being towed,
it shall not be necessary to display a similar emblem
on the towed unit.

(c) A golf cart, as defined by Subdivision (1)
of Subsection (k) of Section 2, Chapter 88, General
Laws, Acts of the 41st Legislature, 2nd Called Session,
1929 (Article 6675a-2, Vernon's Texas Civil Statutes),
is not required to display a slow-moving-vehicle emblem
unless the golf cart is being operated on an arterial
street.

Reviser's Note

(1) Subdivision 3(a), Section 139B, V.A.C.S.

Article 6701d, refers to a slow-moving vehicle operated
on a "public street or highway in this state." The
revised law omits the quoted phrase for the reasons
stated in Reviser's Note (2) to Section 547.004 of this
code and Reviser's Note (2) to Section 547.105 of this
code.

Subdivision 3(a), Section 139B, also refers to a
slow-moving-vehicle emblem "conforming to the standards
and specifications adopted by the Director of the
Department of Public Safety." The revised law omits the quoted provision as redundant because a slow-moving-vehicle emblem must conform to standards and specifications adopted by the director under the definition of a slow-moving-vehicle emblem in Subdivision 1, Section 139B (Section 547.001(8) of this code).

Subdivision 3(a), Section 139B, also refers to the State Highway Commission. The revised law refers to the Texas Transportation Commission for the reason stated in Reviser's Note (2) to Section 547.612 of this code.

Subdivision 3(a), Section 139B, also provides that the equipment requirement stated is in addition to other equipment requirements. The revised law omits this provision for the reason stated in Reviser's Note (2) to Section 547.701 of this code.

In addition, the mounted height range referred to in Subdivision 3(a), Section 139B, is revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

(2) Subdivision 3(c), Section 139B, V.A.C.S. Article 6701d, refers to Section 2(k)(l), Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes). That statute is codified in this code as Section 502.001, and the revised law is drafted accordingly.

[Sections 547.704-547.800 reserved for expansion]

SUBCHAPTER M. ADDITIONAL OR ALTERNATIVE EQUIPMENT REQUIREMENTS FOR MOTORCYCLES AND MOTOR-DRIVEN CYCLES

Revised Law

Sec. 547.801. LIGHTING EQUIPMENT. (a) A motorcycle,
including a motor-driven cycle, shall be equipped with:

1. not more than two headlamps mounted at a height from 24 to 54 inches;
2. at least one taillamp mounted at a height from 20 to 72 inches;
3. a taillamp or separate lamp to illuminate the rear license plate that complies with the requirements of Sections 547.322(f) and (g);
4. at least one stoplamp that complies with the requirements of Section 547.323(d); and
5. at least one rear red reflector that complies with the requirements of Section 547.325(b) and may be included as a part of the taillamp.

(b) A motorcycle, other than a motor-driven cycle, shall be equipped with multiple-beam lighting equipment that produces:

1. an uppermost distribution of light that reveals a person or vehicle at a distance of at least 300 feet ahead; and
2. a lowermost distribution of light that:
   A. reveals a person or vehicle at a distance of at least 150 feet ahead; and
   B. is aimed so that no part of the high-intensity portion of the beam on the motorcycle that is on a straight and level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c) A motor-driven cycle shall be equipped with:

1. multiple-beam lighting equipment that complies with the requirements of Subsection (b); or
2. single-beam lighting equipment that:
   A. emits light sufficient to reveal a person or vehicle:
      i. at a distance of at least 100 feet when the cycle is operated at a speed less than 25 miles per hour;
      ii. at a distance of at least 200 feet when the cycle is operated at a speed of 25 miles per hour or more;
and

(iii) at a distance of at least 300 feet when the cycle is operated at a speed of 35 miles per hour or more; and

(B) is aimed so that no part of the high-intensity portion of the beam from the lamp on a loaded cycle projects a beam higher than the level center of the lamp for a distance of 25 feet ahead. (V.A.C.S. Art. 6701d, Secs. 139F(a), (b), (c), (d), (f), (g).)

Source Law

Sec. 139F. (a) Head Lamps
1. Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this Article.

2. Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Section 109(c).

(b) Tail Lamps
1. Every motorcycle and motor-driven cycle shall have at least one (1) tail lamp which shall be located at a height of not more than seventy-two (72) nor less than twenty (20) inches.

2. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(c) Reflectors
1. Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one (1) red reflector meeting the requirements of Section 112(b).

(d) Stop Lamps
1. Every motorcycle and motor-driven cycle shall be equipped with at least one (1) stop lamp meeting the requirements of Section 124(e).

(f) Multiple-beam Road-lighting Equipment
1. Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

2. Such equipment shall:
   a. Reveal persons and vehicles at a distance of at least three hundred (300) feet ahead when the uppermost distribution of light is selected;
   b. Reveal persons and vehicles at a distance of at least one hundred fifty (150) feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam...
shall be directed to strike the eyes of an approaching driver.

(g) Lighting Equipment for Motor-driven Cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

1. Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of subsection (f) of said section.

3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Reviser's Note

(1) Section 139F(a), V.A.C.S. Article 6701d, provides that headlamps must "comply with the requirements and limitations of this Article." The revised law omits the quoted phrase because all equipment must comply with the requirements and limitations imposed by the statute.

Section 139F(a) also provides that the mounting height for headlamps is "measured as set forth in Section 109(c)." The revised law omits the quoted provision for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

In addition, the mounted height ranges referred to in Sections 139F(a) and (b), V.A.C.S. Article 6701d, are revised for the reason stated in Reviser's Note (2) to Section 547.321 of this code.

(2) Section 139F(b), V.A.C.S. Article 6701d, requires that a motorcycle lamp used to illuminate the
rear license plate meet stated requirements. The revised law references Sections 547.322(f) and (g) of this code, which state these requirements.

(3) Section 139F(c), V.A.C.S. Article 6701d, provides that a motorcycle shall be equipped with a reflector that meets the requirements of Section 112(b), V.A.C.S. Article 6701d. That section is revised in this code as Section 547.325(b), and the revised law is drafted accordingly.

Revised Law
Sec. 547.802. BRAKE EQUIPMENT. (a) If a motorcycle, including a motor-driven cycle, complies with the performance requirements of Section 547.408, brakes are not required on the wheel of a sidecar attached to the cycle.

(b) If a motor-driven cycle complies with the performance standards of Section 547.408, brakes are not required on the front wheel of the cycle.

(c) The director may require an inspection of a motor-driven cycle braking system and may disapprove a system that:

(1) does not comply with the brake performance requirements in Section 547.408; or

(2) is not designed or constructed to ensure reasonable and reliable performance during actual use. (V.A.C.S. Art. 6701d, Secs. 139F(h) (part), Subdiv. 2; (j), Subdiv. 1.)

Source Law
(h) Brake Equipment Required. Every motorcycle and motor-driven cycle must comply with the provisions of Section 132, except that:

2. The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article.

(j) Brakes on Motor-driven Cycles

1. The Director is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which he finds will not comply with the
performance ability standard set forth in Subsection (i), or which in his opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

Revisor's Note

Subdivision 3, Section 139F(j), V.A.C.S. Article 6701d, provides that a person may not operate a motor-driven cycle if the director has disapproved the braking system. The revised law omits this provision as unnecessary because Section 108(a-l), V.A.C.S. Article 6701d, as revised in this code as Section 547.004, provides that a person may not operate a vehicle that is not equipped with equipment required by and meeting the standards of this chapter. The omitted law reads:

3. No person shall operate on any highway any vehicle referred to in this section in the event the Director has disapproved the braking system upon such vehicle.

Revisor's Note

(End of Chapter)

Section 9, V.A.C.S. Article 6701d-11, imposes various equipment requirements for vehicles. The revised law omits these provisions as unnecessary because the substantive requirements were impliedly repealed by the enactment of V.A.C.S. Article 6701d. The omitted law reads:

Sec. 9. Every motor vehicle, other than any road roller, road machinery or farm tractor, having a width at any part in excess of seventy (70) inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red or yellow light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle, both of which lights shall be kept lighted while any such vehicle is upon the highway from one-half hour after sunset to one-half hour
before sunrise. A motor vehicle requiring clearance lights hereunder may, in lieu of such clearance lights, be equipped with adequate reflectors conforming as to color and marginal location to the requirements for clearance lights. No such reflector shall be deemed adequate unless it is so designed, located as to height and maintained as to be visible for at least two hundred (200) feet when opposed by the light of a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway. Reflectors herein referred to must be approved by the Department as to specifications before they can be lawfully used on a vehicle, and it shall be unlawful and constitute a misdemeanor to use a reflector on a motor vehicle unless it has been approved by the Department, and such approval by the Department shall be firmly affixed to such reflector.

All vehicles not heretofore by law required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and displaying a red or yellow light visible under like conditions from a distance of not less than five hundred (500) feet to the rear of such vehicle, which light shall be kept lighted while the vehicle is upon a highway from one-half hour after sunset to one-half hour before sunrise. Provided, however, that vehicles drawn by animal power may in lieu of such lamps or lanterns be equipped with adequate reflectors.

Every owner, driver or operator of a vehicle while it is upon the main traveled portion of the highway during the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person upon the highway from a distance of at least two hundred (200) feet ahead, shall keep lighted all lamps or lighting devices with which such vehicle is required to be equipped, whether the vehicle is in motion or not.

It shall be unlawful for any person to operate or move any vehicle upon a highway with a red light thereon visible directly from the front thereof, except, that this provision shall not apply to law enforcement officers, fire departments, and ambulances.

Every motor vehicle other than a motorcycle when operated upon the highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these
two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. Any motor vehicle or combination of motor vehicles, trailer, or semitrailer or other vehicle, shall be equipped with brakes upon one or more of such vehicles adequate to stop such combination of vehicles in dry weather upon a reasonably level surface within a distance of forty-five (45) feet from the spot where such brakes are first applied when such vehicle or combination of vehicles are traveling at a rate of speed of twenty (20) miles per hour.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sounds audible under normal conditions for a distance of not less than two hundred (200) feet, and it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any bell, siren, compression or exhaust whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression or exhaust whistle.

Every motor vehicle engaged in the transportation of passengers for hire or lease shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use. . .

CHAPTER 548. COMPULSORY INSPECTION OF VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

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[Sections 548.006-548.050 reserved for expansion]