

BILL ANALYSIS

Senate Research Center
86R31523 TSS-D

C.S.H.B. 2837
By: Canales (Hinojosa)
Transportation
5/8/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Highway Patrol Division of the Department of Public Safety of the State of Texas reported that several corrections are needed in regards to the applicability and practicality of Transportation Code requirements for some vehicles, such as covered farm vehicles, slow-moving vehicles, authorized emergency vehicles, and certain trailers.

H.B. 2837 serves to enhance traffic safety by revising certain requirements relating to the operation and equipment of these vehicles. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2837 amends current law relating to the operation of and equipment of vehicles.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 522.004(a), Transportation Code, as follows:

(a) Provides that this chapter (Commercial Driver's Licenses) does not apply to:

(1)–(4) makes no changes to these subdivisions;

(5)–(6) makes nonsubstantive changes to these subdivisions;

(7) a vehicle, including a vehicle described by Section 504.502(i) (relating to the definition of "former military vehicle"), that is:

(A) operated intrastate; and

(B) driven by an individual not for compensation and not in the furtherance of a commercial enterprise; or

(8) a covered farm vehicle as defined by 49 C.F.R. Section 390.5.

SECTION 2. Amends Section 545.058(c), Transportation Code, as follows:

(c) Provides that a limitation in this section (Driving on Improved Shoulder) on driving on an improved shoulder does not apply to:

(1) makes no changes to this subdivision;

(2)–(3) makes nonsubstantive changes to these subdivisions; or

(4) a slow-moving vehicle, as defined by Section 547.001 (Definitions).

SECTION 3. Amends Section 545.156(a), Transportation Code, to require an operator, unless otherwise directed by a police officer, on the immediate approach of an authorized emergency vehicle using audible and visual signals that meet the requirements of Sections 547.305 (Restrictions on Use of Lights) and 547.702 (Additional Equipment Requirements For Authorized Emergency Vehicles), or of a police vehicle lawfully using only an audible or visual signal, rather than only an audible signal, to take certain safety precautions.

SECTION 4. Amends Section 546.002(b), Transportation Code, to provide that Sections 546.001(2) (relating to authorizing an operator, in operating an authorized emergency vehicle, to proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation), (3) (relating to authorizing an operator, in operating an authorized emergency vehicle, to exceed a maximum speed limit, except as provided by certain ordinance as long as the operator does not endanger life or property), and (4) (relating to authorizing an operator, in operating an authorized emergency vehicle, to disregard a regulation governing the direction of movement or turning in specified directions) apply, rather than that Section 546.001 (Permissible Conduct) applies, only when the operator is carrying out certain official duties.

SECTION 5. Amends Section 547.405(d), Transportation Code, as follows:

(d) Requires a trailer, semitrailer, or pole trailer that is equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 pounds, rather than 3,000 pounds, to be equipped with brakes that:

(1) operate on all wheels required to have brakes under Section 547.402 (Operation and Maintenance of Brakes); and

(2) makes no changes to this subdivision.

SECTION 6. Amends Section 547.703(a), Transportation Code, as follows:

(a) Requires a slow-moving vehicle, except as provided by Subsection (b) (relating to exceptions for certain construction or maintenance vehicles), to display a slow-moving-vehicle emblem that:

(1) makes no changes to this subdivision;

(2) is mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem, rather than is mounted base down on the rear of the vehicle at a height from three to five feet above the road surface; and

(3) makes no changes to this subdivision.

SECTION 7. Repealer: Section 504.947 (License Plate Flipper; Offense), Transportation Code.

SECTION 8. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Effective date: September 1, 2019.