

BILL ANALYSIS

Senate Research Center
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S.B. 1165
By: Carona
Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

Even though law enforcement officers have used personal vehicles for law enforcement work for many years, this practice has never been authorized by law. The lack of statutory authority came to light after the passage of S.B. 11, 80th Legislature, Regular Session, 2007. S.B. 11 included a provision exempting "authorized emergency vehicles" from the requirement to pay tolls. It also defined authorized emergency vehicle as, among other things, a police vehicle, which is defined as a vehicle of a governmental entity. Thus, a personal vehicle used for law enforcement purposes or for contracted law enforcement purposes is not an authorized emergency vehicle. Also not included in the definition of authorized emergency vehicle are federal law enforcement vehicles; consequently, federal law enforcement officers must pay regular toll rates when conducting law enforcement business.

As proposed, S.B. 1165 amends Sections 541.201(1) and (13-a) of the Transportation Code to revise the definition of "authorized emergency vehicle" by striking the requirement that a police vehicle is primarily owned by a governmental entity. S.B. 1165 also adds federal law enforcement vehicles to the definition of "authorized emergency vehicle" and requires an officer's vehicle to bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light.

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 Sections 541.201(1) and (13-a), Transportation Code, to redefine "authorized emergency vehicle" and "police vehicle."

SECTION 2. Amends Section 545.421(b), Transportation Code, to require the officer's vehicle to bear the insignia of a law enforcement agency, regardless of whether the vehicle displays an emergency light, rather than requiring the officer's vehicle to be appropriately marked as an official police vehicle.

SECTION 3. Effective date: September 1, 2009.