

BILL ANALYSIS

C.S.H.B. 2722
By: Goldman
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The vehicles used by emergency services providers are easily recognized as a welcome sight for those requesting aid. Interested parties note, however, that emergency vehicles are sometimes sold to the public after the vehicle's usefulness has expired, and there is concern that some individuals may operate such a purchased vehicle without removing the features that identify the vehicle as an emergency vehicle, thereby misleading the public as to the vehicle's purpose. C.S.H.B. 2722 seeks to address this issue and prevent the illegitimate use of motor vehicles resembling authorized emergency vehicles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2722 amends the Transportation Code to prohibit a person from operating a motor vehicle in Texas that resembles an authorized emergency vehicle unless the person uses the motor vehicle to provide emergency services as authorized by law or the person uses the vehicle for other legitimate governmental functions, including police, fire, or other emergency services. The bill makes it a Class C misdemeanor offense to violate this prohibition. The bill establishes that a motor vehicle resembles an authorized emergency vehicle if the vehicle has on the exterior of the vehicle any equipment or insignia that could lead a reasonable person to believe that the vehicle is an authorized emergency vehicle, including the words "ambulance," "police," or "fire" or a derivation of those words; the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit"; the acronym "EMS" or "MICU"; a star of life as trademarked by the National Highway Traffic Safety Administration; a Maltese cross commonly used by fire departments; forward-facing flashing red, white, or blue lights; a siren; an amber warning light; a spotlight; a grill light; a push bumper; exterior vinyl wrap; an antenna; an emergency services emblem or insignia or an outline of the emblem or insignia; or another similar item of emergency vehicle equipment.

C.S.H.B. 2722 prohibits an authorized emergency vehicle owned by a political subdivision or a private person from being sold or transferred to the public unless all equipment or insignia that could lead a reasonable person to believe that the vehicle is an authorized emergency vehicle is removed before the sale or transfer. The bill prohibits a political subdivision from selling or transferring an authorized emergency vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under the Private Security Act unless each

emblem or insignia that identifies the vehicle as a public law enforcement vehicle is removed before the sale or transfer. The bill makes a private person who sells or transfers an authorized emergency vehicle to a member of the public in violation of these provisions liable for damages proximately caused by the use of that vehicle during the commission of a crime.

C.S.H.B. 2722 exempts from its provisions a motor vehicle bearing an antique license plate issued or approved under statutory provisions relating to certain exhibition vehicles.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2722 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 773, Health and Safety Code, is amended by adding Section 773.017 to read as follows:

Sec. 773.017. USE OF CERTAIN EXTERNAL MOTOR VEHICLE MARKINGS OR FEATURES PROHIBITED; CRIMINAL OFFENSE. (a)

A person may not operate a motor vehicle in this state that resembles an emergency medical services vehicle unless the person uses the motor vehicle as an emergency medical services vehicle under this chapter or the person uses the motor vehicle for other legitimate governmental functions, including police or fire services.

(b) A motor vehicle resembles an emergency medical services vehicle if the motor vehicle has on the exterior of the motor vehicle any of the following markings or features:

(1) the word "ambulance" or a derivation of that word;

(2) a star of life as trademarked by the National Highway Traffic Safety Administration;

(3) a Maltese cross commonly used by fire departments;

(4) forward-facing flashing red, white, or blue lights;

(5) a siren;

(6) the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit"; or

(7) the acronym "EMS" or "MICU".

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 546, Transportation Code, is amended by adding Section 546.008 to read as follows:

Sec. 546.008. USE OF CERTAIN EXTERNAL MOTOR VEHICLE MARKINGS OR FEATURES PROHIBITED; CRIMINAL OFFENSE. (a)

A person may not operate a motor vehicle in this state that resembles an authorized emergency vehicle unless the person uses the motor vehicle to provide emergency services as authorized by law or the person uses the vehicle for other legitimate governmental functions, including police, fire, or other emergency services.

(b) A motor vehicle resembles an authorized emergency vehicle if the vehicle has on the exterior of the vehicle any equipment or insignia that could lead a reasonable person to believe that the vehicle is an authorized emergency vehicle, including:

(1) the words "ambulance," "police," or "fire" or a derivation of those words;

(4) a star of life as trademarked by the National Highway Traffic Safety Administration;

(5) a Maltese cross commonly used by fire departments;

(6) forward-facing flashing red, white, or blue lights;

(7) a siren;

(2) the words "critical care transport," "emergency," "emergency medical services," or "mobile intensive care unit";

(3) the acronym "EMS" or "MICU";

(8) an amber warning light;

(c) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

No equivalent provision.

- (9) a spotlight;
- (10) a grill light;
- (11) a push bumper;
- (12) exterior vinyl wrap;
- (13) an antenna;
- (14) an emergency services emblem or insignia or an outline of the emblem or insignia; or
- (15) another similar item of emergency vehicle equipment.

(c) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

(d) This section does not apply to a motor vehicle bearing an antique license plate issued or approved under Section 504.502.

SECTION 2. Subchapter C, Chapter 728, Transportation Code, is amended by adding Section 728.022 to read as follows:

Sec. 728.022. SALE OR TRANSFER OF LOCAL OR PRIVATE EMERGENCY VEHICLE. (a) In this section:

(1) "Authorized emergency vehicle" means a vehicle described by Section 541.201(1).

(2) "Equipment or insignia" means the equipment or insignia described by Section 546.008(b).

(3) "Political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government.

(b) Except as provided by Subsection (c), an authorized emergency vehicle owned by a political subdivision or a private person may not be sold or transferred to the public unless all equipment or insignia that could lead a reasonable person to believe that the vehicle is an authorized emergency vehicle is removed before the sale or transfer.

(c) A political subdivision may not sell or transfer an authorized emergency vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under Chapter 1702, Occupations Code, unless each emblem or insignia that identifies the vehicle as a public law enforcement vehicle is removed before the sale or transfer.

(d) A private person who sells or transfers an authorized emergency vehicle to a member of the public in violation of this section is liable for damages proximately caused by the use of that vehicle during the commission of a crime.

(e) This section does not apply to a motor vehicle bearing an antique license plate issued or approved under Section 504.502.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 3. The change in law made by Section 728.022(d), Transportation Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 4. Same as introduced version.