

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 61
By: White (Nichols)
Transportation
4/10/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the legislature believed that motorists needed to be able to differentiate between law enforcement vehicles and vehicles used by private security entities (if lit by a lamp or other illuminating device) and passed H.B. 2812. H.B. 2812 restricted the lights with which a security patrol vehicle may be equipped to green, amber, or white lights. H.B. 61 does something similar: it permits the use of flashing blue and amber lights on escort flag vehicles. H.B. 61 also defines an escort flag vehicle as a vehicle that precedes or follows an oversized or overweight vehicle. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 61 amends current law relating to highway maintenance or construction vehicles, certain service vehicles, and escort flag vehicles, including the use of certain lighting equipment on those 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 545.157(a), Transportation Code, as follows:

(a) Provides that this section (Passing Certain Vehicles) applies only to the following vehicles:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) a Texas Department of Transportation (TxDOT) vehicle or a highway maintenance or construction vehicle operated pursuant to a contract awarded under Subchapter A (Competitive Bids), Chapter 223, rather than a TxDOT vehicle, not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105;

(4) a service vehicle used by or for a utility, as defined by Section 203.091 (Definition), and using visual signals that comply with the standards and specifications adopted under Section 547.105; and

(5) a stationary vehicle used exclusively to transport municipal solid waste, as defined by Section 361.003 (Definitions), Health and Safety Code, or recyclable material, as defined by Section 361.421 (Definitions), Health and Safety Code, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway.

SECTION 2. Amends Section 547.001(2-b), Transportation Code, as follows:

(2-b) Defines "highway maintenance or construction vehicle" as a highway or traffic maintenance or construction vehicle designated by TxDOT, rather than defining "highway maintenance vehicle" as a highway or traffic maintenance vehicle designated by TxDOT. Provides that the term includes equipment for:

(A) road maintenance or construction, rather than road maintenance, including:

(i) equipment for snow removal, line striping, skid resistance testing, sweeping, spraying, guardrail repair, sign maintenance, and temporary traffic-control device placement or removal, rather than equipment for snow removal, line striping, skid resistance testing, sweeping, and spraying; and

(ii) and (iii) makes no changes to these subparagraphs; and

(B) road construction or off-road use, rather than off-road use, including certain equipment and vehicles.

SECTION 3. Amends the heading to Section 547.105, Transportation Code, to read as follows:

Sec. 547.105. LIGHTING STANDARDS FOR CERTAIN VEHICLES.

SECTION 4. Amends Sections 547.105(a) and (b), Transportation Code, as follows:

(a) Requires TxDOT to adopt standards and specifications that:

(1) apply to lamps on highway maintenance or construction vehicles and service vehicles, rather than apply to lamps on highway maintenance and service vehicles; and

(2) makes no changes to this subdivision.

(b) Authorizes TxDOT to adopt standards and specifications for lighting that permit the use of flashing lights for identification purposes on highway maintenance or construction vehicles and service vehicles, rather than on highway maintenance and service vehicles.

SECTION 5. Amends Section 547.305, Transportation Code, by amending Subsections (e) and (f) and adding Subsections (e-3) and (e-4), as follows:

(e) Prohibits a person from operating a highway maintenance or construction vehicle or service vehicle, rather than a highway maintenance or service vehicle, that is not equipped with lamps or that does not display lighted lamps as required by the standards and specifications adopted by TxDOT.

(e-3) Authorizes an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.

(e-4) Authorizes a vehicle described by Section 545.157(a) to be equipped with flashing blue lights.

(f) Defines "escort flag vehicle" as a vehicle that precedes or follows an oversize or overweight vehicle described by Subtitle E (Vehicle Size and Weight) for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads. Makes nonsubstantive changes to this subsection.

SECTION 6. Requires TxDOT, as soon as practicable after the effective date of this Act, to adopt standards and specifications relating to lamps and lighting on highway construction vehicles, as required by Section 547.105, Transportation Code, as amended by this Act.

SECTION 7. Effective date: September 1, 2019.