

BILL ANALYSIS

Senate Research Center
86R20792 AAF-F

C.S.S.B. 1363
By: Nichols
Transportation
3/20/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 193 was passed by the 78th Legislature and went into effect on September 1, 2003. That legislation is referred to as the "move over/slow down" law. It requires drivers nearing a stopped authorized emergency vehicle with lights activated to either slow down or change lanes. "Authorized emergency vehicle" includes police, emergency medical service, and fire vehicles.

In 2011, H.B. 378 added language to Section 545.157 of the Transportation Code to include tow trucks in this law. During the 83rd Legislature, S.B. 510 amended Section 545.157 (Passing Authorized Emergency Vehicle), Transportation Code, to specifically include TxDOT vehicles.

Even though TxDOT vehicles were added to Section 545.157, Transportation Code, the law does not specify any other highway maintenance vehicles contracted by TxDOT. This poses a risk to those contracted workers working on Texas roads. S.B. 1363 amends Section 545.157 of the Transportation Code by adding vehicles contracted by TxDOT, giving them the same protection already given to emergency vehicles, tow trucks, and TxDOT vehicles.

In addition to protecting highway maintenance vehicles contracted through TxDOT, S.B. 1363 also adds service vehicles used in the maintenance of an electrical power line to the "move over/slow down" law. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1363 amends current law relating to highway maintenance or construction vehicles and certain service 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 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 (Bids and Contracts for Highway Projects), not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted Section 547.105; and
- (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.

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

(2-b) Defines "highway maintenance or construction vehicle." Provides that the term includes equipment for:

(A) road maintenance or construction, 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;

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

(B) road construction or off-road use, including certain equipment.

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; 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.

SECTION 5. Amends Section 547.305(e), Transportation Code, to prohibit a person from operating a highway maintenance or construction vehicle 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.

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.