1-1 By: Nichols   S.B. No. 510
1-2   (In the Senate - Filed February 12, 2013; February 20, 2013,
1-3 read first time and referred to Committee on Transportation;
1-4 March 11, 2013, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; March 11, 2013, sent to printer.)

1-6   COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Nichols	X			
1-9	Paxton	X			
1-10	Campbell	X			
1-11	Davis	X			
1-12	Ellis	X			
1-13	Hancock	X			
1-14	Patrick	X			
1-15	Uresti	X			
1-16	Watson	X			

1-17   A BILL TO BE ENTITLED
1-18   AN ACT

1-19 relating to passing certain vehicles on a highway; providing a
1-20 penalty.
1-21   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22   SECTION 1. Section 545.157, Transportation Code, is amended
1-23 to read as follows:
1-24   Sec. 545.157. PASSING CERTAIN VEHICLES [AUTHORIZED
1-25 EMERGENCY VEHICLE].   (a) This section applies only to the
1-26 following vehicles:
1-27   (1) [On approaching] a stationary authorized
1-28 emergency vehicle using visual signals that meet the requirements
1-29 of Sections 547.305 and 547.702;
1-30   (2) [, or] a stationary tow truck using equipment
1-31 authorized by Section 547.305(d); and
1-32   (3) a Texas Department of Transportation vehicle not
1-33 separated from the roadway by a traffic control channelizing device
1-34 and using visual signals that comply with the standards and
1-35 specifications adopted under Section 547.105.
1-36   (b) On approaching a vehicle described by Subsection (a), an
1-37 operator, unless otherwise directed by a police officer, shall:
1-38   (1) vacate the lane closest to the [emergency] vehicle
1-39 [or tow truck] when driving on a highway with two or more lanes
1-40 traveling in the direction of the [emergency] vehicle [or tow
1-41 truck]; or
1-42   (2) slow to a speed not to exceed:
1-43   (A) 20 miles per hour less than the posted speed
1-44 limit when the posted speed limit is 25 miles per hour or more; or
1-45   (B) five miles per hour when the posted speed
1-46 limit is less than 25 miles per hour.
1-47   (c) [(b)] A violation of this section is:
1-48   (1) a misdemeanor punishable under Section 542.401;
1-49   (2) a misdemeanor punishable by a fine of $500 if the
1-50 violation results in property damage; or
1-51   (3) a Class B misdemeanor if the violation results in
1-52 bodily injury.
1-53   (d) [(c)] If conduct constituting an offense under this
1-54 section also constitutes an offense under another section of this
1-55 code or the Penal Code, the actor may be prosecuted under either
1-56 section or under both sections.
1-57   (e) [(d)] In this section:
1-58   (1) "Tow[, "tow] truck" means a vehicle that:
1-59   (A) [(1)] has been issued a permit under
1-60 Subchapter C, Chapter 2308, Occupations Code; and
1-61   (B) [(2)] is operated by a person licensed under

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2-1 Subchapter D, Chapter 2308, Occupations Code.
2-2   (2) "Traffic control channelizing device" means
2-3 equipment used to warn and alert drivers of conditions created by
2-4 work activities in or near the traveled way, to protect workers in a
2-5 temporary traffic control zone, and to guide drivers and
2-6 pedestrians safely. The term includes a traffic cone, tubular
2-7 marker, vertical panel, drum, barricade, temporary raised island,
2-8 concrete or cable barrier, guardrail, or channelizer.
2-9   SECTION 2. Subsection (b), Section 545.301, Transportation
2-10 Code, is amended to read as follows:
2-11   (b) This section does not apply to an operator of:
2-12   (1) a vehicle that is disabled while on the paved or
2-13 main traveled part of a highway if it is impossible to avoid
2-14 stopping and temporarily leaving the vehicle on the highway;
2-15   (2) a vehicle used exclusively to transport solid,
2-16 semisolid, or liquid waste operated at the time in connection with
2-17 the removal or transportation of solid, semisolid, or liquid waste
2-18 from a location adjacent to the highway; or
2-19   (3) a tow truck, as defined by Section 545.157(e)
2-20 [545.157(d)], that is performing towing duties under Chapter 2308,
2-21 Occupations Code.
2-22   SECTION 3. This Act takes effect September 1, 2013.

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