

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 18, 2013**

**TO:** Honorable Larry Phillips, Chair, House Committee On Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1380** by Martinez, "Mando" (Relating to passing certain vehicles on a highway; providing a penalty.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require a motor vehicle operator to vacate the lane closest to certain vehicles and would include a Texas Department of Transportation vehicle that is not separated from the roadway by a traffic control channelizing device and is using visual signals. Under current statute, when approaching a stationary authorized emergency vehicle using its visual signals, or a stationary tow truck under the direction of a law enforcement officer or assisting a disabled vehicle on a roadway, a driver is required to reduce their speed or vacate the lane closest to the stationary vehicle.

An operator who violates the requirements would commit a misdemeanor offense punishable by a fine of not less than \$1 or more than \$200; punishable by a fine of \$500 if property damage occurs; or a Class B misdemeanor if the violation results in bodily damage. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

The Comptroller of Public Accounts reported the provisions of the bill would provide additional fine revenue for the State and local governmental entities; however, the fiscal impact cannot be determined.

Based on the information provided by the Department of Public Safety and the Texas Department of Transportation, it is assumed the provisions of the bill would not result in a fiscal impact to the state.

**Local Government Impact**

There would be some additional revenue to local governmental entities that would vary depending on the number of instances drivers committed an offense; however, the amounts are not anticipated to be significant.

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** UP, TP, AG, JAW