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Guidance current for  
88<sup>th</sup> Legislative Session (2023)

## Texas Highway Patrol Field Enforcement Guide

### Purpose

This guide is intended to serve as a resource for Texas Highway Patrol personnel engaged in enforcement of the Texas Transportation Code. The table of contents lists commonly utilized TRC arrest titles. The remainder of the guide contains details, training aids, clarification, legal references, case law, and applicable enforcement guidance for each arrest title. Utilize the link associated with each arrest title in the table of contents to skip to that portion of the Enforcement Guide.

All personnel should be guided by the enforcement policies described in Chapter 5 of the THP Manual and other established guidance policy. This document is intended to provide information, not establish inflexible enforcement requirements. Officer discretion is an important part of any traffic enforcement program, and this guide is not intended to replace or negate the proper use of officer discretion and reasonableness in selecting appropriate enforcement actions.

This resource details Texas Transportation Code information and offenses only. Personnel enforcing the Penal Code, Federal Motor Carrier Safety Regulations, Texas Alcoholic Beverage Code, Health and Safety Code, and other laws should be guided by their training in those areas.

### Updates

This document will be updated periodically to include new information and to reflect legislative changes. The most recent version can be located in the [Resources section](#) of the TRC Training Program website. A revision date has been placed in the upper right corner of this page. [Join the Update E-mail List](#)

### Outside Agencies

This resource is designed for field personnel of the Texas Department of Public Safety. The interpretations herein may evolve due to updates in case law or shifts in Department perspective. While peace officers from outside agencies are welcome to use this document as an informational resource, they must take enforcement action and testify based on their own knowledge and understanding of the law. The Texas DPS will not testify or comment at outside agency trials, depositions, or other matters regarding the internal interpretations contained in this document.

### Training

The Texas Highway Patrol's Transportation Code training program offers free TCOLE accredited training to peace officers in Texas. For information about upcoming training, please visit the Transportation Code Training Program Website: <https://txdpstrafficl.com/>

### Contact

This document was authored by Texas DPS Sergeant Scott Hewitt. For questions, suggestions, or further assistance related to this guide, please reach out - [scott.hewitt@dps.texas.gov](mailto:scott.hewitt@dps.texas.gov).

## **Navigation of this Document**

To quickly search this document, press **Control +F** and type the key word or phrase in the search box.

The table of contents contains all arrest titles described in this guide. Select an arrest title in the table of contents to skip to that section of the guide. The arrest titles are grouped by subject matter and generally follow the chronology of the Texas Transportation Code. There is a link at the bottom of each page that returns to the table of contents.

The TRC references in this guide are hyperlinks to access the actual text of the law.

## **Use and Reproduction**

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## **Other Available Resources**

The following additional resources are available at <https://txdpstrafficlaw.com/resources/>

- **Crash Contributing Factors Guide**
- **Off-Highway Vehicle Guide for Law Enforcement**
- **THP-68 – Enforcement of Federal Lighting Standard**
- **Recent Legislation Impacting the Transportation Code**
- **Small Motorized Vehicle Quick Reference Guide**

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<a href="#">Fail To Control Speed</a>	MC	545.351
<a href="#">Speeding-10% Or More Above Posted Speed</a>	MC	545.351; 545.352
<a href="#">Speeding Over Limit</a>	MC	545.351; 545.352
<a href="#">Impeding Traffic</a>	MC	545.363
<a href="#">Speed Under Minimum</a>	MC	545.363



## Operation and Movement of Vehicles - Miscellaneous Rules

<a href="#">Reckless Driving</a>	MB	545.401
<a href="#">Unsafe Start From Parked/Stopped/Standing Position</a>	MC	545.402
<a href="#">Drive Through Safety Zone</a>	MC	545.403
<a href="#">Park And Fail To Set Brakes</a>	MC	545.404
<a href="#">Park On Grade-Fail To Turn Wheels</a>	MC	545.404
<a href="#">Park Without Stopping Engine</a>	MC	545.404
<a href="#">Park Without Locking Ignition/Removing Key (Specify)</a>	MC	545.404
<a href="#">Following Ambulance Or Fire Apparatus Closer Than 500 Feet</a>	MC	545.407
<a href="#">Drive Into Block Where Fire Engine Stopped</a>	MC	545.407(a)
<a href="#">Park In Block Where Fire Engine Stopped</a>	MC	545.407(a)
<a href="#">Drive Where Ambulance Summoned with Intent to Interfere</a>	MC	545.407(b)(2)
<a href="#">Park Where Ambulance Summoned with Intent to Interfere</a>	MC	545.407(b)(2)
<a href="#">Cross Fire Hose Without Permission</a>	MC	545.408
<a href="#">Defective Drawbar / Hitch</a>	MC	545.409(a)(1)
<a href="#">Drawbar Or Other Connection Over 15 Feet</a>	MC	545.409(a)(2)
<a href="#">No White Flag On Tow Chain / Cable</a>	MC	545.409(b)
<a href="#">Safety Chain Violation - None / Defective / Improper</a>	MC	545.410
<a href="#">Stay At Rest Area Longer Than Permitted</a>	MC	545.411
<a href="#">Erect Tent, Shelter, Booth, Structure At Rest Area Where Prohibited</a>	MC	545.411(a)
<a href="#">Safety Seat Sys, Child Pass, Child&lt;8 Unless Taller Than 4'9" Not Secured By</a>	MC	545.412(a)
<a href="#">Ride, Not Secured By Safety Belt-Driver</a>	MC	545.413(a)
<a href="#">Ride, Not Secured By Safety Belt-Passenger (When Required)</a>	MC	545.413(a)
<a href="#">Safety Belt, Child&lt;17,Required To Be Secured By In Pass Vehicle</a>	MC	545.413(b)
<a href="#">Safety Belt, Child, Required To Be Secured By:&lt;17 And Not Required To Be Secured Under 545.412(a)</a>	MC	545.413(b)(2)
<a href="#">Operate Vehicle With Child &lt;18 In Open Bed</a>	MC	545.414
<a href="#">Operate Vehicle Drawing Boat/Watercraft With Child &lt;18</a>	MC	545.4145
<a href="#">Back So As To Interfere Or Without Safety</a>	MC	545.415(a)
<a href="#">Back Upon Shoulder Or Roadway Of Controlled Access Highway</a>	MC	545.415(b)
<a href="#">Passengers Exceeding 3 Or Load Obstructed Drivers View/Drivers Control</a>	MC	545.417
<a href="#">Passenger Interfered With Drivers View Or Control</a>	MC	545.417(b)
<a href="#">Driver Open Door Or Leave Door Open In Moving Lane Of Traffic</a>	MC	545.418
<a href="#">Person (Other Than Driver) Opened Door Or Leave Door Open In Moving Lane Of Traffic</a>	MC	545.418
<a href="#">Riding In House Trailer</a>	MC	545.419
<a href="#">Person(s) Riding in Trailer or Semitrailer Drawn by Truck, Road Tractor, or Truck Tractor</a>	MB	545.4191
<a href="#">Acceleration Contest-Racing/Drag Racing</a>	MB	545.420



<a href="#">Racing On Highway</a>	MB	545.420 (d)
<a href="#">Racing On Highway W/Previous Conviction Or W/Driving While Intox/Open Container</a>	MA	545.420 (e)
<a href="#">Racing On Highway W/2 Previous Conviction</a>	FS	545.420 (f)
<a href="#">Racing On Highway Causing Bodily Injury</a>	F3	545.420 (g)
<a href="#">Racing On Highway Causing Serious Bodily Injury/Death</a>	F2	545.420 (h)
<a href="#">Interference with Peace Officer Investigation of Hwy Racing or Reckless Driving</a>	MB	545.4205
<a href="#">Fleeing Or Attempting To Elude Police Officer</a>	MB	545.421
<a href="#">Recklessly Fleeing From Police Officer, Placing Another In Imminent Danger Of SBI</a>	MA	545.421(d)
<a href="#">Drive On Sidewalk</a>	MC	545.422
<a href="#">Cross Sidewalk or Drive Through Driveway/Parking Lot/Business or Residential Entrance Without Stopping</a>	MC	545.423(a)
<a href="#">Cut Across Driveway, Sidewalk, Parking Lot, Bus, Residential Entrance To Make Turn</a>	MC	545.423 (b)
<a href="#">Wireless Communication Device Use Restriction: Operate Motor Vehicle By Person &lt;18 W/Restrictions</a>	MC	545.424(a)
<a href="#">Person &lt; 18 YOA Operate Vehicle between Midnight and 5 AM when Prohibited</a>	MC	545.424(a-1)(1)
<a href="#">Person &lt; 18 YOA Operate Vehicle with More than One Passenger Under 21 Not A Family Member</a>	MC	545.424(a-1)(2)
<a href="#">Wireless Communication Device While Within A School Crossing Zone</a>	MC	545.425
<a href="#">Use Of Portable Wireless Communication Device For Electronic Messaging</a>	MC	545.4251(b)
<a href="#">Use Of Portable Wireless Communication Device For Electronic Messaging W/ Previous Conviction</a>	MC	545.4251(b)(e)
<a href="#">Use Of Portable Wireless Communication Device For Electronic Messaging Causing Death/SBI To Another Person</a>	MA	545.4251(f)
<a href="#">Operate School Bus With Door Open</a>	MC	545.426(a)(1)
<a href="#">Operate School Bus Over Passenger Design Capacity</a>	MC	545.426(a)(2)
<a href="#">Allow Passenger To Stand / Sit Improperly On A School Bus</a>	MC	545.426(b)
<a href="#">Operation Of Vehicle With Insufficient Undercarriage Clearance At Railroad Grade Crossing</a>	MC	545.427
<a href="#">Caused Bodily Injury with Criminal Negligence to Pedestrian or Other Vulnerable Road User in a Crosswalk</a>	MA	545.428
<a href="#">Caused Serious Bodily Injury with Criminal Negligence to Pedestrian or Other Vulnerable Road User in A Crosswalk</a>	FS	545.428

### **Vehicle Equipment - General Provisions**

<a href="#">Applicability of the Vehicle Equipment Chapter</a>		
<a href="#">Flashing Lights and Highway Maintenance/Service Vehicles</a>		
<a href="#">Drive/Permit To Drive Vehicle In Unsafe Cond So As To Endanger Any Person</a>	MC	547.004(a)(1)

<a href="#">Use Equipment Not Approved</a>	MC	547.004(a)(2)
<a href="#">Improper Use Of Slow - Moving Vehicle Emblem</a>	MC	547.005
<a href="#">Unauthorized Use of School Bus Markings</a>	MC	547.005(b)

### **Vehicle Equipment - Lighting**

<a href="#">Drive Without Lights - When Required</a>	MC	547.302(a)
<a href="#">More Than 4 Driving Lamps Lighted to The Front</a>	MC	547.302(d)
<a href="#">Wrong Color Stop Lamps</a>	MC	547.303,547.323
<a href="#">Wrong Color Rear Reflector(s)</a>	MC	547.303,547.235
<a href="#">Wrong Color Light To Rear</a>	MC	547.303(a)
<a href="#">Wrong Color Turn Signal Lamp</a>	MC	547.303(b)
<a href="#">Improper/Unauthorized Flashing White, Red, Blue Lights</a>	MC	547.305
<a href="#">Red Light to Front</a>	MC	547.305
<a href="#">Hwy Maintenance or Construction Vehicle/Service Vehicle Not Displaying Required Lamps</a>	MC	547.305(e)
<a href="#">Operate Motorcycle Equipped With Ground Effect Lighting That Emits Other Than Non-Flashing Led White Or Amber Light</a>	MC	547.306
<a href="#">No/Defective Head Lamps</a>	MC	547.321
<a href="#">Defective/Non-Compliant Headlamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">Operate Motor Vehicle In Violation Of FMVSS 571.108(Specify)</a>	MC	547.3215
<a href="#">Vehicle Equipped So As to Impair Effectiveness of Required Lamp, FMVSS 571.108, Sec. 6.2</a>	MC	547.3215
<a href="#">Defective Tail Lamp</a>	MC	547.322
<a href="#">Defective/Non-Compliant Taillamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">No/Defective License Plate Lamp</a>	MC	547.322
<a href="#">Wrong Color License Plate Lamp</a>	MC	547.322(f)
<a href="#">Defective/Non-Compliant License Plate Lamp, FMVSS 571.108</a>	MC	547.3215
<a href="#">Inoperable/Obscured Stop Lamp(s)</a>	MC	547.323
<a href="#">No Stop Lamps</a>	MC	547.323
<a href="#">Defective/Non-Compliant Stop Lamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">Defective/Non-Compliant High-Mounted Stop Lamp, FMVSS 571.108</a>	MC	547.3215
<a href="#">Defective Turn Signal Lamp</a>	MC	547.324
<a href="#">Defective/Non-Compliant Turn Signal Lamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">No/Defective Rear Reflector</a>	MC	547.325
<a href="#">Improperly Mounted Reflector</a>	MC	547.325;547.354
<a href="#">Wrong Color Rear Reflector</a>	MC	547.325
<a href="#">Defective/Non-Compliant Reflectors, FMVSS 571.108</a>	MC	547.3215
<a href="#">No/Defective Lamps On Animal Drawn Vehicle</a>	MC	547.326
<a href="#">Vehicle Failed to Have Minimum Lighting Equipment at Night</a>	MC	547.326
<a href="#">Improper Use Of Spot Lamps</a>	MC	547.327

<a href="#">Too Many Spot Lamps</a>	MC	547.327
<a href="#">Improper Use Of Fog Lamps</a>	MC	547.328
<a href="#">Too Many Fog Lamps</a>	MC	547.328
<a href="#">Defective Fog Lamps - Wrong Color</a>	MC	547.328
<a href="#">Improper Use Of Auxiliary Driving Lamps</a>	MC	547.330
<a href="#">Too Many (More Than Two) Auxiliary Driving Lamps</a>	MC	547.330
<a href="#">Improperly Placed Auxiliary Driving Lamp</a>	MC	547.330
<a href="#">Wrong Color/Defective Hazard Lamps</a>	MC	547.331
<a href="#">Improper Use Of/Defective Backup Lamp</a>	MC	547.332
<a href="#">Wrong Color Backup Lamp</a>	MC	547.332
<a href="#">Defective/Non-Compliant Backup Lamp, FMVSS 571.108</a>	MC	547.3215
<a href="#">No/Defective Improper Multiple-Beam Road lighting Equipment</a>	MC	547.333
<a href="#">Fail To Dim Headlights-Meeting</a>	MC	547.333(c)(1)
<a href="#">Fail To Dim Headlights-Following</a>	MC	547.333(c)(2)
<a href="#">Wrong Color Side Marker Lamp</a>	MC	547.352
<a href="#">Defective/Non-Compliant Side Marker Lamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">No/Defective Side Marker - Bus, Truck, Trailer, Semitrailer =&gt; 80 Inches</a>	MC	547.352
<a href="#">Improperly Mounted Side Marker</a>	MC	547.352(1)(C)
<a href="#">Improperly Mounted Side Marker; Trailer</a>	MC	547.352(3)(A)
<a href="#">No/Defective Reflector – Side, Front, Center</a>	MC	547.352
<a href="#">No/Defective Clearance Lamp</a>	MC	547.352(5)(A)
<a href="#">Defective/Non-Compliant Clearance Lamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">Improperly Mounted Clearance Lamp</a>	MC	547.354
<a href="#">No/Defective ID Lamp</a>	MC	547.352(6)
<a href="#">Defective/Non-Compliant Identification Lamps, FMVSS 571.108</a>	MC	547.3215
<a href="#">Wrong Color Front Clearance, ID, Side Marker Lamp, Or Reflector (Amber)</a>	MC	547.353(a)
<a href="#">Wrong Color Rear Clearance, ID, Side Marker Lamp, Or Reflector (Red)</a>	MC	547.353(b)
<a href="#">No/Defective Lamps Or Reflectors On Farm Tractor / Self Propelled Farm Equipment</a>	MC	547.371
<a href="#">No/Defective Hazard Warning Light On Farm Tractor / Self Propelled Farm Equipment</a>	MC	547.371(a)(4)
<a href="#">No Reflector/Lamps On Projected Load-Night</a>	MC	547.382
<a href="#">No Flags Projected Load-Day</a>	MC	547.382
<a href="#">No Parking Lamps</a>	MC	547.383
<a href="#">Defective Parking Lamps</a>	MC	547.383
<a href="#">Park Without Lights-When Required</a>	MC	547.383(b)
<a href="#">Park With Head Lamps Not Dimmed</a>	MC	547.383(d)

### **Vehicle Equipment - Brakes**

<a href="#">No/Defective Brakes On Vehicle</a>	MC	547.401
<a href="#">Brakes Not On All Wheels When Required</a>	MC	547.401
<a href="#">Defective Brakes-Motorcycle</a>	MC	547.401
<a href="#">Brakes Not Maintained In Good Working Order</a>	MC	547.402(d)
<a href="#">No/Defective/Improper Parking/Emergency Brakes</a>	MC	547.404
<a href="#">No Two Means Of Emergency Brake Operation</a>	MC	547.405
<a href="#">No/Defective Automatic Brake Application On Breakaway Trailers</a>	MC	547.405

### **Vehicle Equipment - Warning Devices**

<a href="#">Defective Horn</a>	MC	547.501(a)
<a href="#">Equipped With Or Use Of Unauthorized Siren, Whistle, Bell</a>	MC	547.501(b)
<a href="#">Unnecessary Use Of Horn</a>	MC	547.501(c)
<a href="#">No Warning Devices When Required</a>	MC	547.502
<a href="#">Fail To Display Hazard Lamps, Vehicle Described By 547.503(B)</a>	MC	547.503
<a href="#">Warning Devices Not Displayed</a>	MC	547.504 - 547.507
<a href="#">Tampering With 503B Vehicle Warning Device</a>	MC	547.508

### **Vehicle Equipment - Miscellaneous Required or Prohibited Equipment**

<a href="#">No Front Seatbelts (When Required)</a>	MC	547.601
<a href="#">Any Mirror Violation</a>	MC	547.602;547.701
<a href="#">No Windshield Wiper</a>	MC	547.603
<a href="#">Defective Windshield Wiper</a>	MC	547.603
<a href="#">Any Muffler Violation</a>	MC	547.604
<a href="#">No Crankcase Emission System</a>	MC	547.605(b)
<a href="#">Def Exhaust Emission System-Equipped But Not In Good Working Order</a>	MC	547.605(c)(1)
<a href="#">No Exhaust Emission System-Originally Equipped But Removed</a>	MC	547.605(c)(3)
<a href="#">Emission System-Smoking Vehicle, 10 Seconds Or More</a>	MC	547.605(c)(1)
<a href="#">No/Improper Mud Flap (Exceptions: Truck-Tractors/Recreational Vehicles/Buses/Pole Trailers)</a>	MC	547.606
<a href="#">No/Improper Fire Extinguisher - Bus</a>	MC	547.607
<a href="#">No/Improper Fire Extinguisher - School Bus</a>	MC	547.607
<a href="#">No/Improper Fire Extinguisher - Taxicab</a>	MC	547.607
<a href="#">No/Improper Fire Extinguisher - Transporting Passengers for Hire</a>	MC	547.607
<a href="#">Use Sunscreening Device Without Required Label</a>	MC	547.609
<a href="#">Television Receiver/Video Equip. Improperly Located-Visible To Driver</a>	MC	547.611
<a href="#">Object or Material Attached to Windshield/Side/Rear Window Obstructs or Reduces Clear View</a>	MC	547.613(a)(1)
<a href="#">Installer Failed To Affix Label As Required</a>	MC	547.613(a-1)
<a href="#">Transparent Material on Windshield/Side/Rear Window Alters Color/Reduces light Transmission - Tint</a>	MC	547.613(a)(2)

<a href="#">Use Radar Interference Device</a>	MC	547.616(B)
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### **Vehicle Equipment - School Buses, Authorized Emergency Vehicles, Slow Moving Vehicles**

<a href="#">Additional Equipment Requirements For Other Buses</a>	MC	547.7011
<a href="#">Use School Bus Sign/Signal For Wrong Purpose</a>	MC	547.701(c)
<a href="#">School Bus Driver Failed To Activate All Flashing Warn Signal Lights / Other Equipment</a>	MC	547.701(c)
<a href="#">School Contracted Bus Not Equipped With Seat Belts As Required</a>	MC	547.701(e)
<a href="#">No/Defective/Improper Slow-Moving Vehicle Emblem</a>	MC	547.703

### **Crash Investigation**

<a href="#">Where Can Crashes be Investigated?</a>		
<a href="#">Fail To Stop And Render Aid (Resulting In Death) - Felony</a>	F2	550.021(c)(1)(A)
<a href="#">Fail to Stop and Render Aid (Resulting in SBI) - Felony</a>	F3	550.021(c)(1)(B)
<a href="#">Fail To Stop And Render Aid (Resulting In Bodily Injury) - Felony</a>	F3	550.021(c)(2)
<a href="#">Fail To Move Vehicle After Crash In A Metropolitan Area</a>	MC	550.022(b)
<a href="#">Fail To Stop And Render Aid Or Give Information (Damage To Attended Vehicle &lt; \$200)</a>	MC	550.022(c)(1)
<a href="#">Fail To Stop And Render Aid Or Give Information (Damage To Attended Vehicle &gt;= \$200)</a>	MB	550.022(c)(2)
<a href="#">Fail To Comply With Requirements On Striking Unattended Vehicle &lt;\$200.00</a>	MC	550.024(b)(1)
<a href="#">Fail To Comply With Requirements On Striking Unattended Vehicle &gt;=\$200.00</a>	MB	550.024(b)(2)
<a href="#">Fail To Comply With Requirements Striking Structure /Fixture/Landscaping &lt;\$200.00</a>	MC	550.025(b)(1)
<a href="#">Fail To Comply With Requirements Striking Structure/Fixture/Landscaping &gt;=\$200.00</a>	MB	550.025(b)(2)
<a href="#">Fail To Report Injury Collision At Once To Proper Authorities</a>	MC	550.026
<a href="#">Fail To Report Non-Injury Collision At Once To Proper Authorities</a>	MC	550.026

### **Bicycles, Mopeds, and Electric Bicycles**

<a href="#">Bicycle Rider Commit Any Applicable Violation (Specify)</a>	MC	551.101
<a href="#">Ride Bicycle Improperly</a>	MC	551.102(a)
<a href="#">Ride Bicycle Improperly - Too Many</a>	MC	551.102(b)
<a href="#">Carry Articles So As To Interfere With Handling Of Bicycle</a>	MC	551.102(c)
<a href="#">Clung To Vehicle On Bicycle, Coaster, Roller Skates, Sled, Toy Vehicles</a>	MC	551.102(d)
<a href="#">Failure To Keep Bicycle On Right Side Of Roadway</a>	MC	551.103(a)
<a href="#">Fail To Ride In Single Lane When Riding Two Abreast</a>	MC	551.103(c)
<a href="#">Ride More Than Two Bicycles Abreast</a>	MC	551.103(c)
<a href="#">No/Defective Brake On Bicycle Or Moped</a>	MC	551.104(a)
<a href="#">No/Defective White Light On Front Of Bicycle Or Moped - Nighttime</a>	MC	551.104(b)(1)

<a href="#">No/Defective Red Reflector Or Red Light On Rear Of Bicycle Or Moped - Nighttime</a>	MC	551.104(b)(2)
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### **Neighborhood Electric Vehicles, Golf Carts, Small Motorized Vehicles**

<a href="#">Bikes, NEVs, Golf Carts, and Special Motorized Vehicle Quick Reference Page</a>		
<a href="#">Electric Personal Assistive Mobility Device Operation Violation</a>	MC	551.202
<a href="#">Neighborhood Electric Vehicle Operation (Specify)</a>	MC	551.302, 551.303, 551.304
<a href="#">Operation of Motor-Assisted Scooter Where Prohibited</a>	MC	551.352
<a href="#">Operation Of Pocket Bike Or Minimotorbike Where Prohibited</a>	MC	551.353
<a href="#">Operate Golf Cart On Highway Without License Plate</a>	MC	551.402(b)
<a href="#">Operate Golf Cart On Highway When Prohibited</a>	MC	551.403, 551.404

### **Off-Highway Vehicles**

<a href="#">Can Off-Highway Vehicles be Registered?</a>		
<a href="#">OHV Quick Reference Page</a>		
<a href="#">Operate OHV By Person &lt;14 YOA Without Adult Supervision</a>	MC	551A.032
<a href="#">Operate OHV On Beach, When Prohibited</a>	MC	551A.033
<a href="#">OHV Crossed Highway Improperly</a>	MC	551A.034
<a href="#">OHV Crossed Interstate Or Limited Access Highway Where Prohibited</a>	MC	551A.034(b)
<a href="#">Operate OHV When Prohibited</a>	MC	551A.051(a)
<a href="#">Operate OHV On Highway Without License Plate</a>	MC	551A.052(b)
<a href="#">Operate OHV For Agricultural Or Utility Operation When Prohibited</a>	MC	551A.057
<a href="#">Operate OHV Without Required Equipment</a>	MC	551A.071
<a href="#">Operate OHV Without Required Safety Apparel</a>	MC	551A.072
<a href="#">Reckless OHV Operation</a>	MC	551A.073
<a href="#">Operate OHV With Passenger, When Not Equipped For Passengers</a>	MC	551A.074

### **Pedestrians**

<a href="#">Disregard Red Signal- Traffic Light(Pedestrian)</a>	MC	552.001(c)
<a href="#">Disregard Yellow Signal-Traffic Light(Pedestrian)</a>	MC	552.001(c)
<a href="#">Fail To Yield ROW To Pedestrian At Signal Intersection</a>	MC	552.002
<a href="#">Disregard Pedestrian Control Signal</a>	MC	552.002
<a href="#">Fail To Yield ROW To Pedestrian In Crosswalk-No Signals</a>	MC	552.003
<a href="#">Pedestrian Entering Path Of Vehicle</a>	MC	552.003(b)
<a href="#">Pass Vehicle Stopped For Pedestrian</a>	MC	552.003(c)
<a href="#">Fail To Yield For Blind/Incapacitated Person</a>	MC	552.003(d);552.010
<a href="#">Pedestrian Fail To Yield ROW To Vehicle-Not At Crosswalk</a>	MC	552.005(a)(1)
<a href="#">Jaywalking – Pedestrian Crossed Between Adjacent Intersections with Traffic Control Signals</a>	MC	552.005(b)

<a href="#">Fail To Yield ROW To Pedestrian On Sidewalk - Vehicle Emerging From Or Entering Alley</a>	MC	552.006
<a href="#">Walk On Roadway Where Sidewalks Provided</a>	MC	552.006(a)
<a href="#">Pedestrian Failed to Walk on Left Side of Highway (No Sidewalks)</a>	MC	552.006(b)
<a href="#">Stood In Roadway To Solicit Ride, Contributions, Employment, Business</a>	MC	552.007(a)
<a href="#">Fail To Use Due Care For Pedestrian</a>	MC	552.008

### **Financial Responsibility/Insurance**

<a href="#">Fail To Maintain Financial Responsibility</a>	MC	601.191
<a href="#">Fail To Maintain Financial Responsibility With Previous Conviction</a>	MC	601.191(c)
<a href="#">Important Information about Financial Responsibility</a>		

### **Weight Violations**

<a href="#">Over 20,000 Single Axle</a>	MC	621.101;621.506(a)
<a href="#">Over 34,000 Lbs. Tandem Axle</a>	MC	621.101(a);621.506
<a href="#">Over Weight Group Of Axles</a>	MC	621.101(a);621.506
<a href="#">Weight Carried Exceeds Tire Load Limit</a>	MC	621.101(a);621.506
<a href="#">Over Allowable Gross Weight</a>	MC	621.101(b);621.506
<a href="#">Over Gross (Zoned)</a>	MC	621.102,301,302,502

### **Length and Width Violations**

<a href="#">Vehicle Length and Width Exceptions</a>		
<a href="#">DMV Length Limit Quick Reference Form</a>		
<a href="#">Illegal Load Extension To Left Or Right On Passenger Car</a>	MC	621.201
<a href="#">Overwidth-Over 96" Passenger Vehicle, Over 102" All Others</a>	MC	621.201(a), (b)
<a href="#">Overlength Vehicle – Single</a>	MC	621.203
<a href="#">Overlength - Single Trailer Operated With Truck Tractor</a>	MC	621.204(a)
<a href="#">Overlength - Twin Trailers Operated With Truck Tractor</a>	MC	621.204(b)
<a href="#">Pull More Than Two Trailers Or Vehicles</a>	MC	621.205
<a href="#">Overlength Combination</a>	MC	621.205(a)
<a href="#">Illegal Load Extension-Front/Rear</a>	MC	621.206
<a href="#">Overheight</a>	MC	621.207
<a href="#">Oversized Overweight Vehicles W/Previous Conviction</a>	MB	621.507(b)

### **Size and Weight Exception Violations**

<a href="#">Over 23,000 Lbs. Single Axle - Cement</a>	MC	622.012(a);621.506
<a href="#">Over 46,000 Lbs. Tandem-Cement</a>	MC	622.012(a);621.506
<a href="#">Over 69,000 Lbs. Gross Weight-Cement</a>	MC	622.012(b);621.506
<a href="#">Over 10% Single Axle (25,300) - Cement - Permit Violation</a>	MC	622.012(b);621.506
<a href="#">Over 10% Tandem Axle (50,600) - Cement - Permit Violation</a>	MC	622.012(b);621.506



<a href="#">Operate Extended Timber Load At Night</a>	MC	622.042(a)
<a href="#">Owner Fail To Mark Special Mobile Equipment</a>	MC	622.072
<a href="#">Transport Unmarked Special Mobile Equipment-Undocumented</a>	MC	622.073
<a href="#">Transport Unmarked Special Mobile Equipment-Documented</a>	MC	622.073
<a href="#">Over 21,000 Lbs. - Recyclable Material</a>	MC	622.133
<a href="#">Over 64,000 Lbs. - Gross Weight - Recyclable Material</a>	MC	622.133
<a href="#">Over 44,000 Lbs. - Tandem Axle - Recyclable Material</a>	MC	622.133
<a href="#">Fail To Display Surety Bond - Recyclable Material</a>	MC	622.136

### **Manufactured Housing, Portable Buildings, and Oversize/Overweight Moved on Permit**

<a href="#">Over Allowable Gross Weight - Permit Violation</a>	MC	623.071
<a href="#">Any Permit Violation – Manufactured Housing</a>	MC	623.092(a)
<a href="#">No/Defective/Improper Amber Rotating Beacon - Towing Vehicle - Manufactured Housing</a>	MC	623.098, 623.104
<a href="#">No/Defective/Improper Amber Rotating Beacon - Manufactured Housing</a>	MC	623.098, 623.104
<a href="#">No Red Flags - Escort - Manufactured Housing</a>	MC	623.099, 623.104
<a href="#">No Wide Load Signs - Manufactured Housing</a>	MC	623.099, 623.104
<a href="#">No Escort Vehicle - Manufactured Housing</a>	MC	623.099, 623.104
<a href="#">Manufactured House Or House Trailer Over 55 MPH</a>	MC	623.101(a), 623.104

### **Commercial Motor Vehicles**

<a href="#">No/Defective/Improper Identifying Markings-Commercial Vehicle</a>	MC	642.002
<a href="#">Fail To Display TXDMV Cab Card</a>	MC	643.253(a)3, 643.059
<a href="#">Failure To Carry Or Present Vehicle License Receipt [CMV]</a>	MC	621.501

### **Motorcycles**

<a href="#">Miscellaneous Legal Questions About Motorcycles (wheelies, lane splitting)</a>		
<a href="#">Operate Motorcycles More than Two Abreast</a>	MC	545.0605
<a href="#">Motorcycle Passed in Same Lane or Operated Between Lanes of Traffic – Lane Splitting</a>	MC	545.0605
<a href="#">Carry Motorcycle/Autocycle Pass &lt;5Yrs Of Age</a>	MC	545.416
<a href="#">Ride Motorcycle Improperly</a>	MC	545.416(a)
<a href="#">Transport Passenger On Motorcycle Without Required Equipment</a>	MC	545.416(b)
<a href="#">Too Many Riders - Motorcycle</a>	MC	545.416(c)
<a href="#">No Motorcycle Footrests And/Or Handholds - When Required</a>	MC	547.617
<a href="#">No/Defective Multiple-Beam Road-Lighting Equipment-On Motorcycle</a>	MC	547.801
<a href="#">No Head Lamps - When Required-Motorcycle</a>	MC	547.801
<a href="#">Head Lamps Improperly Located On Motorcycle</a>	MC	547.801
<a href="#">Defective Head Lamps On Motorcycle</a>	MC	547.801
<a href="#">No Stop Lamp On Motorcycle</a>	MC	547.801



<a href="#">No/Defective Tail Lamps - Motorcycle</a>	MC	547.801
<a href="#">Tail Lamp Improperly Located On Motorcycle</a>	MC	547.801
<a href="#">No Reflector On Rear Of Motorcycle</a>	MC	547.801
<a href="#">No License Plate Lamp On Motorcycle</a>	MC	547.801(a)(3)
<a href="#">Operate Motorcycle Equipped With Ground Effect Lighting That Emits Other Than Non-Flashing LED White Or Amber Light</a>	MC	547.306
<a href="#">Brakes Not On All Wheels-Motorcycle</a>	MC	547.802
<a href="#">Defective Brakes-Motorcycle</a>	MC	547.401
<a href="#">Operate Motorcycle Without Approved Headgear</a>	MC	661.003(a)
<a href="#">Motorcycle Passenger Without Approved Headgear</a>	MC	661.003(a)
<a href="#">Carry Motorcycle Passenger Without Approved Headgear</a>	MC	661.003(b)

### **Disabled/Privileged Parking**

<a href="#">Park/Stand Vehicle Displaying Disabled Placard/LP in Disabled Space When Not Authorized</a>	MC	681.011(a)
<a href="#">Park/Stand Vehicle in Disabled Parking Space - Not Displaying Disabled Placard/LP</a>	MC	681.011(b)
<a href="#">Park/Stand Vehicle Blocking Access Aisle, Ramp, or Architectural Improvements for Disabled Persons</a>	MC	681.011(c)
<a href="#">Loan Disabled Placard To Another For Unlawful Purpose</a>	MC	681.011(d)
<a href="#">Disabled Veteran License Plate Park/Stand in Disabled Parking Space Not Displaying Symbol of Access on Plate or Placard</a>	MC	681.011(m)

### **Transporting Loose Material**

<a href="#">Fail To Secure Load / Improperly Secured Load</a>	MC	725.003
<a href="#">Inadequate Bed [Failure To Secure Load]</a>	MC	725.021(b)
<a href="#">Defective/Inadequate Bed [Failure To Secure Load; Hole, Crack, Opening]</a>	MC	725.021(b)(1)
<a href="#">Inadequate Sideboards [Failure To Secure load]</a>	MC	725.021(b)(2)
<a href="#">Improperly Secured Tailgate [Failure To Secure Load]</a>	MC	725.021(d)
<a href="#">Fail To Cover Load [Covered, Secured, Front And Back] - CMV</a>	MC	725.021(e)
<a href="#">Loose Material Not Removed From Non-load Carrying Parts Of Loaded Vehicle</a>	MC	725.022(a)
<a href="#">Loose Material Not Removed From Non-load Carrying Parts Of Unloaded Vehicle</a>	MC	725.022(b)

### **Modification and Tampering with Vehicle Equipment**

<a href="#">Modified/Weighted Motor Vehicle</a>	MC	727.001
<a href="#">Tamper with Odometer</a>	MB	727.002
<a href="#">Operate Motor Vehicle, Trailer, Semi-Trailer, or Tractor With One or More Tires Removed</a>	MC	727.003

### Miscellaneous Violations

<a href="#">Operate Commercial Vehicle Without Required Inspection</a>	MC	548.201, 548.601
<a href="#">Display Vehicle Inspection Report Issued For Another Vehicle</a>	MB	548.603
<a href="#">Display Vehicle Inspection Report Issued Without Inspection</a>	MB	548.603
<a href="#">Present Fictitious Inspection Report</a>	MB	548.603(a)
<a href="#">Throw Injurious Material On Highway</a>	MC	600.001(a)
<a href="#">Wrecker Driver Fail To Remove Glass From Highway</a>	MC	600.001(b)
<a href="#">Allow Dangerous Driver To Borrow Vehicle</a>	MC	705.001
<a href="#">Littering/Leave Refuse on Highway</a>	Var.	HSC 365.012
<a href="#">Discard Lighted Litter – Igniting a Fire</a>	MB	HSC 365.012(a-1)

## WARNING SIGNS, DEVICES, AND BARRICADES

### Tampering With Warning Device (MB)

#### [472.021 – Tampering with Warning Devices](#)

It is an offense to tamper with, damage, or remove a barricade, flare pot, sign, flasher signal, or other device warning of construction, repair, or detour on or adjacent to a highway.



#### Enforcement Notes:

- 1) The device must warn of construction, repair, or detour; and
- 2) The device must have been placed by the state, a political subdivision, a contractor, or a public utility.

This offense is punishable by a fine of \$25-\$1000 and up to 2 years confinement in county jail, making it a **Class B Misdemeanor** (Reference [Penal Code 12.41](#)).

### Disobey Warning Signs/Barricades (MC)

### Disobey Warning Signs/Barricade-Construction Zone W/Workers (MC)

### Disobey Warning Signs/Barricades Water Over Road (MB)

#### [472.022 – Obeying Warning Signs and Barricades](#)

It is an offense to disobey a warning sign or drive around a barricade.

“Warning Sign” and “Barricade” are defined in **(e)(1)** and **(e)(3)** and these definitions must be understood for correct enforcement. Even a person (flagger) can be considered a warning sign.

*“Barricade” means an obstruction: (A) placed on or across a road, street, or highway of this state by the department, a political subdivision of this state, or a contractor or subcontractor constructing or repairing the road, street, or highway under authorization of the department or a political subdivision of this state; and (B) placed to prevent the passage of motor vehicles over the road, street, or highway during construction, repair, or dangerous conditions.*

**“Warning sign”** means a signal, marking, or device placed on a barricade or on a road, street, or highway during construction, repair, or dangerous conditions by the department, a political subdivision of this state, or a contractor or subcontractor to warn or regulate motor vehicular traffic. The term includes a flagger deployed on a road, street, or highway by the department, a political subdivision of this state, or a contractor or subcontractor to direct traffic around or on the road, street, or highway during construction, repair, or dangerous conditions.

The fine for this offense can be doubled if committed in a construction zone while workers are present.

**Reference 542.404 - Fines in Construction Zones** – Many other offenses can also have double fines when committed in a construction zone with workers present.

Normally, these offenses are Class C Misdemeanors, however It is a Class B misdemeanor if the sign or barricade has been placed for high water.

### Warning Sign Enforcement Example:

What enforcement action can be taken for someone traveling above the speed listed on an orange and black sign in a construction zone?

This sign is a warning sign as defined in 472.022(e)(3) and described in the Texas Manual on Uniform Traffic Control Devices (sign CW13-1P).

A motorist who fails to travel the speed notated on this sign has not committed the violation of “Speeding Over Limit” because this is not a regulatory speed limit sign.

The correct offense is **Disobey Warning Sign** per TRC 472.022.



### Warning Sign Enforcement Example:

A flagger in a construction zone is signaling for vehicles to stop. A motorist disregards the flagger’s directions and drives around him. The motorist has committed the offense of **Disobey Warning Sign** because a flagger meets the definition of a warning sign in 472.022. Do not use **Disregard Stop Sign** if a motorist fails to stop for the flagger. This sign is described as a “Stop/Slow Paddle” in the Texas Manual on Uniform Traffic Control Devices and it carries a different requirement (stop and remain standing until the flagger permits traffic to proceed).



## REGISTRATION, TEMPORARY TAGS, AND LICENSE PLATES

### TRC Chapter 502 – Registration of Vehicles

TRC Chapter 503 – Dealer’s and Manufacturer’s Vehicle License Plates – ([skip to that section](#))

TRC Chapter 504 – License Plates - ([skip to that section](#))

**A Note on These Chapters:** It is important to distinguish the difference between a license plate and registration. While the two often go hand in hand, there are times a vehicle may be registered without a license plate (temporary tags and permits) and there are times a vehicle may be issued a license plate without registration (machinery plates, farm trailers, golf carts, off-highway vehicles). Think of registration as the money paid for the privilege of operating a motor vehicle in Texas. Think of a license plate as an identifying number assigned to a vehicle.

The Texas DMV Vehicle Registration Manual can be a good source of clarifying information for vehicle registration issues. It can be viewed and downloaded here – [Texas DMV Registration Manual](#)

## TRC CHAPTER 502 – REGISTRATION OF VEHICLES

### 502.001 – Definitions

The following words or phrases are defined in Chapter 502 and their understanding is important for proper enforcement:

**(2) Apportioned License Plate** - Apportioned means the registration is paid to allow operation in different states (interstate). Apportioned license plates may be one plate or a two plate issue. If the first digit of the plate is "R", only one plate was issued. If the first digit is "K", two plates were issued.



An apportioned license plate will not be accompanied by a windshield registration sticker. Instead, the driver will carry a registration cab card describing the states the vehicle has paid to operate within. When officers are roadside with an out of state apportioned vehicle, they should look at the cab card to ensure Texas is one of the states the vehicle has paid to operate within. If an out-of-state apportioned commercial motor vehicle does not include Texas as one of the states on the cab card, the vehicle is not considered registered for operation in Texas.

**(4) Combination License Plate** – This license plate can be used on a truck with a gross weight of more than 10,000 pounds to be used in combination with a semi-trailer that has a gross weight of more than 6,000 pounds. A combination license plate may be used on a vehicle towing a Token Trailer.



**Note:** If the truck’s empty weight is less than 10,000 pounds but it is to be used in a loaded state exceeding 10,000 pounds in combination with a semi-trailer exceeding 6,000 pounds, combination license plates are permitted.

**(30) Operate Temporarily on the Highways** – must be going to or coming from a farm. This definition is important to understand when considering farm trailer use (502.146). This definition is also utilized in the Texas DMV registration manual - farm tractors and implements of husbandry that are operated “Temporarily on the Highways” are not subject to registration.



**(40) Token Trailer** – all registration is paid on the towing vehicle. The token trailer plate is for identification purposes. Token Trailers may only be towed by vehicles with Apportioned, Combination, Forestry, or Seasonal Permit license plates. Token trailer plates are no longer issued a sticker showing an expiration date.



### [502.005 – Registration of Autocycle](#)

Autocycles are defined identically in [501.008](#) and [502.005](#). This definition for “autocycle” is used throughout the TRC.



#### **How to Treat an Autocycle:**

- For **registration** purposes, treat autocycles like **motorcycles** (only one plate is issued and the registration insignia is displayed on the plate).
- For **driver license** purposes, treat autocycles like **cars** ([Reference 521.085](#)).
- For **title** purposes, treat autocycles like **motorcycles** ([Reference 501.008](#)).
- For **passenger restrictions**, treat autocycles like **motorcycles** ([Reference 545.416\(f\)](#)).
- For **helmet** purposes, treat autocycles like **motorcycles** unless they are fully or partially enclosed ([Reference 661.0015](#)).
- For **seatbelt purposes**, treat autocycles like **motorcycles** ([Reference 545.412](#) – autocycle is not included in the specific definition of “passenger vehicle” used for seatbelts and child safety seats, therefore seatbelts/child safety seats are not required to be used).

## Operate Salvage Motor Vehicle (MA)

### 501.09111 – Rights and Limitations of Nonrepairable Vehicle Title, Nonrepairable Record of Title, Salvage Vehicle Title, or Salvage Record of Title

A person who owns a salvage motor vehicle is permitted to engage in some activities and is prohibited from engaging in other activities. *Salvage Vehicle* is defined in [501.091 \(15\)](#).

#### Permitted with a salvage title

A person is entitled to possess, transport, dismantle, scrap, destroy, repair, rebuild, reconstruct, record a lien on, and sell, transfer, or release ownership of the motor vehicle or a used part from the motor vehicle.

#### Prohibited with a salvage title

A person may not operate, register, or permit the operation of the motor vehicle on a public highway. A vehicle with a salvage title must be towed if being transported on a public highway.

The offense of operating or registering a motor vehicle with a salvage title is a **Class A Misdemeanor** ([TRC 501.157\(b\)](#)). These vehicles are frequently encountered bearing illegitimate paper tags.

**Important:** Before making an arrest for this offense, ensure that the vehicle currently holds a salvage title (pink title). If the vehicle has been subsequently rebuilt, inspected, and issued a “Rebuilt Salvage” title (blue title), it is not an offense to operate on the highway (see below).



Texas Salvage Vehicle title (pink) – it is illegal to operate this vehicle on the highway (Class A Misdemeanor).



Texas Rebuilt Salvage title (blue) – this vehicle has been rebuilt, inspected, and issued a new title. Operation of this vehicle is not a violation. The RTS return will likely note “Rebuilt Salvage” in the Remarks section.

**Discussion:** Can the driver be charged with **Operate Vehicle in Unsafe Mechanical Condition** under [548.604](#)? No. Legislative changes to 548.604 (effective 1/1/24) removed the “unsafe mechanical condition” language from the law. Additionally, a salvage title alone should not be considered proof of unsafe mechanical condition, as “salvage” status is based largely upon cost to repair vs. worth of the vehicle. It is not necessarily an indication of a vehicle’s mechanical condition.

## **Failed to File Certificate of Title Within 30 Days Upon Purchase of Used Motor Vehicle (MC)**

### **501.145 - Filing By Purchaser; Application for Transfer of Title**

Within 30 days of the purchase of a used vehicle, the purchaser shall file with the county assessor-collector the certificate of title or other evidence of title; or if appropriate, a document described by Section [502.457](#) and the title or other evidence of ownership.

## **Operate Unregistered/Improperly Registered Motor Vehicle (MC)** **Operate Unregistered Trailer or Semitrailer (MC)**

### **502.040 – Registration Required; General Rule**

This is the section under which the vast majority of vehicles are registered in Texas. Upon purchasing a vehicle or becoming a resident of Texas, a person has **30 Days** to register a motor vehicle, trailer, or semi-trailer in Texas. All motor vehicles, trailers, and semi-trailers are required to be registered unless there is a specific exception granted in TRC Chapter 502 or the DMV Registration Manual.

**Reference** [502.471](#) – this section describes the offense for violating a provisions of Chapter 502.

**Reference** [502.472](#) – this section describes the offense for operating an unregistered motor vehicle.

**Reference** [502.140-502.146](#) – These sections describe numerous vehicles not subject to registration.

### **502.472 – Operation of Vehicle Under Improper Registration**

This is the offense for operating an unregistered motor vehicle at a time and under circumstances that required the vehicle to be registered.

### **502.057 - Registration Receipt**

A registration receipt is issued for each vehicle registered, however there is no requirement for it to be carried in non-commercial motor vehicles operating under normal 502.040 registration.

The registration receipt is required to be carried for CMV power units ([621.002](#)), vehicles operating on 30-Day and One-Trip Permits ([502.095\(f\)](#)) and 72- and 144-Hour permits ([DMV Administrative Code Title 43, Part 10, Rule 217.40](#)).

### **What about a tow dolly, converter dolly, or jeep axle?**



The [Texas DMV Registration Manual](#) states that these towing devices are not required to be registered, although they may be registered using the same process as semitrailer registration if the owner desires registration. The additional weight of the vehicle attached to the dolly must be accounted for, however, in the registration of the towing vehicle or combination.



## Improperly Displayed Registration Insignia (MC)

### [502.059 - Issuance of Registration Insignia](#)

Each vehicle registered is issued a registration insignia. The registration insignia validates the license plates for a specific registration period.

**This insignia must be displayed in the lower left corner of the windshield.** If a vehicle does not have a windshield, an insignia will be attached to the license plate. Displaying a registration insignia in the wrong location is a violation.

Motorcycles and vehicles bearing a machinery license plate are required to display a registration insignia on the rear license plate. This is also true of trailer license plates ([Reference Texas Administrative Code Title 43, Part 10, Rule 217.27](#)).

[Reference 502.475 - Display Wrong, Altered, Fictitious Or Obscured Registration Insignia](#)

## 72 or 144 Hour Permit Violation (MC)

### [502.094 – 72- or 144-Hour Permits](#)

72- and 144-hour Permits are issued for temporary commercial motor vehicle, trailer, semitrailer, or motor bus operation. There are no specific rules for how to display a 72- or 144-hour permit in the TRC or Administrative Code.

The vehicle must be insured prior to receiving a 72- or 144-Hour permit. If the vehicle is a commercial motor vehicle as defined in [548.001](#), it must receive a state inspection prior to operating on a highway. **Note:** DMV will sell a 72- or 144-hour permit without proof of a state safety inspection, however commercial vehicles still require a state inspection to legally operate under the permit (see subsection (e)). Operating an uninspected commercial motor vehicle under a 72- or 144-hour permit constitutes a violation. For more information, see [Operate Commercial Vehicle Without Required Inspection](#).

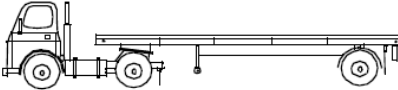
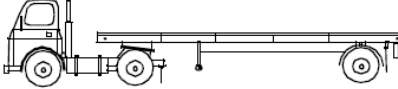
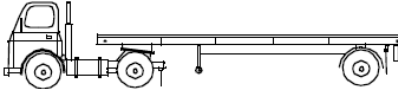
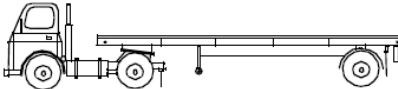
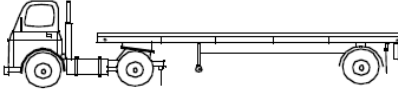
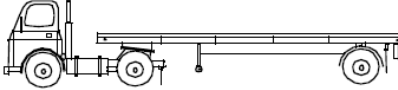
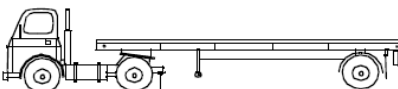
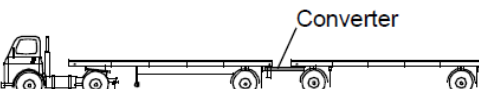

**As soon as the permit expires, the vehicle is considered to be unregistered** (i.e. there is no grace period). See [Operate Unregistered Motor Vehicle, Trailer, or Semitrailer](#).

[Reference DMV Administrative Code Title 43, Part 10, Rule 217.40](#) - the registration receipt should be carried when operating under a permit in lieu of registration.

**Discussion Point:** A token trailer cannot be towed by a power unit operating with a 72- or 144-hour permit. A token trailer would need to be registered under temporary registration or normal trailer registration in order to be towed by a vehicle bearing a 72- or 144-hour permit.

(see useful chart from DMV, next page)

DMV provides this chart for 72/144 hour permit requirements in the [DMV Registration Manual](#):

Combination Type	Appropriate 72/144-Hour Permit
 <p>No Registration</p>	<p>A commercial vehicle pulling a trailer or semitrailer is considered to be a combination of two vehicles and should be issued <b>two permits</b> when both are <b>unregistered</b>.</p>
 <p>Combination Plate      Unregistered</p>	<p>A 72/144-Hour Permit should be issued for an unregistered trailer when being pulled by a commercial vehicle displaying a Combination License Plate.</p>
 <p>Unregistered      Regular Trailer Plates</p>	<p>A 72/144-Hour Permit should be issued for an unregistered commercial vehicle when pulling a trailer/semitrailer displaying regular Trailer License Plates.</p>
 <p>Farm Truck Tractor      Token Trailer</p>	<p>A commercial vehicle registered with Farm Truck-Tractor License Plates cannot pull a trailer registered with Token Trailer License Plates. The trailer would need to display a 72/144-Hour Permit.</p>
 <p>Soil Conservation      Token Trailer</p>	<p>A commercial vehicle registered with Soil Conservation License Plates may not pull a semi-trailer registered with Token Trailer License Plates. The trailer would need to display 72/144-Hour Permit.</p>
 <p>Truck Plates      Token Trailer or Unregistered</p>	<p>A commercial vehicle registered with Truck License Plates may not pull a semitrailer registered with Token Trailer License Plates. The trailer would have to display 72/144-Hour Permit.</p>
 <p>Farm Truck Tractor      Farm Trailer</p>	<p>An owner may purchase a 72/144-Hour Permit when hauling a load of farm products in excess of 34,000 lbs. on a farm trailer.</p>
 <p>Converter No Registration</p>	<p>Any commercial tractor pulling two semitrailers is considered to be a three-vehicle combination. Each vehicle must register with a separate 72/144-Hour Permit. Converter axles, jeep axles, and auxiliary axles are not required to register in Texas.</p>
 <p>Unregistered      Full Trailer Regular Trailer Plates</p>	<p>An unregistered commercial vehicle operating with 72/144-Hour Permits may pull trailers or semitrailers registered with regular Trailer License Plates.</p>

**Improperly Displayed One Trip or 30 Day Permit (MC)**  
**Fail to Display Registration Receipt One Trip or 30 Day Permit (MC)**

**Legislative Changes Effective July 1, 2025**

[HB 718](#) amends numerous sections of the Transportation Code in Chapters 502, 503, and 504 to end the use of most temporary paper tags, including One-Trip Permits and 30-Day Permits. Each of these permits will be replaced by a metal license plate or plates.

Texas DMV is tasked with the development of rules to administer these changes. This guide will be updated prior to July 1, 2025, to reflect new arrest titles and regulation. The information below is valid until July 1, 2025.

**[502.095 – One-Trip or 30-Day Trip Permits](#)**

These permits are issued to allow operation of motor vehicles that are otherwise unregistered. A vehicle operated beyond the scope of one of these permits is considered to be unregistered (see [Operate Unregistered Motor Vehicle, Trailer, Semitrailer](#)).

**One-Trip Permit** - good for only one trip from point to point. [DMV Administrative Code Rule 217.40](#) states that the trip must either begin or end in Texas. A one trip permit may not be valid for more than 15 days. One-trip permits are used to transport the vehicle only and may not be used to transport passengers or property. Violation of these provisions means the vehicle is no longer covered by the permit and it should be considered to be unregistered. Cost of the One-Trip Permit is \$5.

**30 Day Permit** - can only be issued to vehicles with a gross weight of not more than 10,000 pounds unless the vehicle is operated unladen (vehicles with a gross weight of more than 10,000 pounds cannot be operated on a 30-Day Permit while carrying a load – they would need to obtain a 72 or 144 hour permit). Violation of these provisions means the vehicle is no longer covered by the permit and it should be considered to be unregistered. The DMV Registration Manual states that three 30-day permits may be issued – after which the customer should be questioned to prevent misuse of the 30-Day Permit process. Cost of the 30-Day Permit is \$25. Commercial motor vehicles operated under an 30 Day Permit are required to be inspected (see [Operate Commercial Vehicle Without Required Inspection](#)).

Proof of financial responsibility is required for One-Trip and 30-Day Permits. The registration receipt shall be carried in the vehicle at all times during operation on a One-Trip or 30-Day permit.

**Display** - One-Trip and 30-Day permits are required to be displayed in the rear window of the vehicle so that the tag is clearly visible and legible, however if the vehicle does not have a rear window the tag must simply be carried somewhere in the vehicle. If the permit is displayed behind dark tinted glass so that it is not legible, a stop can be made for Improperly Displayed One-Trip or 30-Day Permit. Officers are encouraged to be mindful of the fact that such permits are specifically required to be displayed in the rear window and should exercise discretion when selecting enforcement action (citation vs. warning) for a permit that is not legible due to window tint. Warnings may be more appropriate in many

circumstances because motorists are not provided with alternate legal display methods in the event of dark tint.

### [502.474 – Operation of One-Trip Permit Without Registration Receipt](#)

The registration receipt must be carried in the vehicle and displayed upon request when the vehicle is operated on a one-trip permit. This is also required for a vehicle operating under a 30-day permit, per [502.095](#).

One-trip and 30-Day Permits are required to be displayed properly in the rear window as described in [502.095](#) if the vehicle has a rear window.

#### **What if a Temporary Tag is Fake?**

Fraudulent temporary tags (72- and 144-hour permits, 30-day permits, dealer temporary tags, buyer's tags, etc.) are frequently encountered by officers. This occurs when a person has produced their own temporary tag in an effort to mimic a temporary tag issued by a dealership or the Department of Motor Vehicles.

Do not file charges under 504.945 for a fictitious license plate. Temporary tags/permits are never referred to as "license plates" in the TRC or in administrative code. The courts consistently steer enforcement for temporary tag violations away from 504.945 and towards more applicable sections of the TRC (Chapters 502 and 503).

A temporary tag meets the definition of a "government record" as defined in Penal Code [37.01\(2\)\(G\)](#) (clarified in [HB 914](#) effective September 1, 2023)

A person in possession or displaying a fraudulent temporary tag or permit can be charged with Tampering with Governmental Record under Penal Code 37.10:

*(a) A person commits an offense if he:*

- (1) knowingly makes a false entry in, or false alteration of, a governmental record;*
- (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;*
- (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;*
- (4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;*
- (5) makes, presents, or uses a governmental record with knowledge of its falsity; or*
- (6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.*

An offense under this section of the Penal Code involving a fictitious temporary tag is a Class A Misdemeanor.

## VEHICLES NOT SUBJECT TO REGISTRATION

Chapter 502 of the Texas Transportation Code recognizes certain vehicles that may be operated on the highway but that are not subject to normal registration requirements. Some of these vehicles may not have a license plate and some may have a “distinguishing license plate” that identifies the vehicle but does not constitute normal registration.

### **502.140 - Certain Off-Highway Vehicles (Not Subject to Registration)**

An individual cannot register an off-highway vehicle for operation on a public highway regardless of any design alterations they have made to the vehicle. “Off-highway vehicle” is defined in [551A.001](#) and includes ATVs, Recreational Off-Highway Vehicles, Sand Rails, and Utility Vehicles.

Off-highway vehicles can only be operated on public highways under specific circumstances described in TRC Chapter 551A.

Reference [551A.051](#) – [Operate OHV when Prohibited](#)

See Also: [Can a person register an Off-Highway Vehicle as a motorcycle or under normal registration?](#)

An off-highway vehicle owned by government agencies/subdivisions may be registered for highway operation if used for maintaining public safety and welfare. An off-highway vehicle registered in this manner receives a normal license plate and registration insignia and is not required to display a separate “Off-Highway Vehicle” license plate.

### **502.142 – Manufactured Housing (Not Subject to Registration)**

Manufactured housing is not issued registration. If it is moving down the highway, it should be moving under a special permit, not 502.040 registration.

Reference [623.091](#) – definition of manufactured house

### **502.143 – Other Vehicles (Not Subject to Registration)**

- Power Sweepers
- Motorized Mobility Devices (electric wheelchairs)
- Electric Personal Assistive Mobility Devices (Segway type vehicles)
- Electric bicycles

### **502.144 – Vehicles Operated on Public Highway Separating Real Property Under Vehicle Owner's Control**

This section allows a property owner to cross the road in an unregistered vehicle if said person owns property on both sides of the road.

### **502.145 – Vehicles Operated by Certain Non-Residents (Not Subject to TEXAS Registration)**

This section provides for reciprocity and allows nonresident visitors to Texas from other states to operate vehicles in Texas under their home state registration. Home state registration must be current and valid. Once a person becomes a resident of Texas reciprocity ends after 30 days and the person’s vehicles are subject to Texas registration ([502.040](#))

Reference THP Manual, Chapter 5.04 - *Nonresident, full-time students attending accredited colleges and universities are granted full reciprocity. A part-time job is considered only incidental to the student’s education and thus will not preclude him from receiving full reciprocity on his home state license plates.*

## Farm Trailer License Violation (MC)

### 502.146 – Certain Farm Vehicles and Drilling and Construction Equipment (Not Subject to Registration)

Vehicles described in this section may be issued distinguishing license plates to identify what they are, however this does not constitute full registration and the vehicles will be limited to specific types of operation. [Reference 502.471](#) (Penalty for violating this section)

**Farm Trailers** – The license plate or registration requirements for farm trailers is dependent on the trailer’s gross weight and how the trailer is being used. Farm trailers are not required to be registered when used “temporarily on the highway” ([502.001\(30\)](#)) to transport agricultural products or supplies to or from the farm or for the purposes of participating in equine activity as long as the trailer’s gross weight is not more than 34,000 pounds.

**Farm Trailers** with a gross weight of **less than 4,000 pounds** – no license plate or registration required.

**Farm Trailers** with a gross weight of **more than 4,000 pounds but not more than 34,000 pounds** – a Farm Trailer license plate is required, but full registration is not required.

**Farm Trailers** with a gross weight of **more than 34,000 pounds** – no longer eligible for Farm Trailer license plates and must have normal trailer registration.

Table 7-1 <b>Farm Trailer Registration</b>	
<b>Farm Truck-tractor</b>	<b>Semi trailer (Registration Options)</b>
Use total axle weights of truck-tractor to determine gross weight.	<ul style="list-style-type: none"><li>• Farm trailers with a gross weight of 4,000 lbs. or less. No plate required.</li><li>• Farm trailers with a gross weight of more than 4,000 lbs. but less than 34,000 lbs. Farm Trailer License Plate required.</li><li>• Farm trailers with a gross weight of more than 34,000 lbs. Regular trailer plates required. No reduction in fee.</li></ul>

Source: [Texas DMV Registration Manual](#)

**Discussion Point:** A trailer used for equine activity or attending livestock shows as defined in the Texas Civil Practice and Remedy Code (87.001) may be registered as a farm trailer. This definition is wide ranging and includes rodeo participation even when the participant receives compensation for participation.

**Texas DMV Manual Clarification** - Trailers with living quarters still qualify for farm trailer license plates if the trailer is used within the normal parameters of a farm trailer (agricultural use or equine activity).

**Enforcement:** A person using a trailer bearing Farm Trailer license plates outside the parameters of this section (agricultural purposes or equine activity) is committing a violation and can be charged with the offense of **Farm Trailer License Violation**. This includes using a farm trailer for non-farm related recreational activities or other personal use.

Farm trailers are not required to receive a state inspection regardless of weight.



**Water well and oil well drilling equipment** – not required to receive full registration. Only a “Machinery” distinguishing license plate is required.



**Water well workover rig**



**Only Machinery LP Required**

**Construction equipment** – not required to receive full registration. Only a “Machinery” distinguishing license plate is required.



**Farm Trailer owned by a cotton gin** – not required to receive registration if used exclusively to transport agricultural products without charge.

**Fertilizer Trailer** – not required to be registered if used exclusively to transport fertilizer without charge.

**Cottonseed Trailer** – not required to be registered if used exclusively to transport cottonseed without charge.

**Enforcement:** If any vehicle covered by this section is found to be operating outside the parameters described in this section, the vehicle is considered to be unregistered and enforcement action can be taken for [Operate Unregistered Motor Vehicle, Trailer, Semitrailer](#).

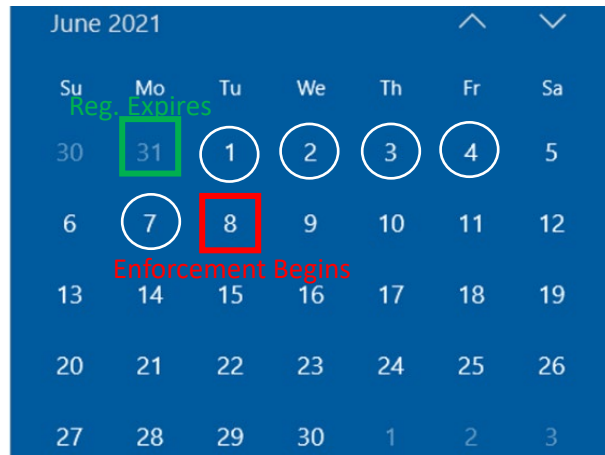
## Operation of Vehicle with Expired License Plate (MC)

### 502.407 – Operation of Vehicle with Expired License Plate

This offense does not take place until AFTER the 5th business day after the registration insignia expires.

There is no reasonable suspicion or probable cause for a stop (even to write a warning) if it is not AFTER the 5<sup>th</sup> business day.

**Enforcement Example:** A vehicle bearing a registration insignia expiring 5/21 (Monday, May 31, 2021) cannot be stopped for a violation until June 8<sup>th</sup>. June 7<sup>th</sup> is the 5<sup>th</sup> business day after the plate expired and there is no violation until after the fifth business day.



This section ties the license plate and the registration insignia together. When the insignia is expired, the offense is for displaying a license plate that is no longer validated by a current insignia – i.e. the license plate is expired.

**Discussion Point:** the language in this section refers to having a license plate for the **preceding period**. This implies that this offense can only be committed for one year after the expiration date, as most registration periods last for one year. Beyond that year, enforcement should be taken under 502.472 for operating an unregistered vehicle.

**Reference** [502.473 - Operation of Vehicle Without Registration Insignia](#) – if the registration is current but they have failed to display the current registration insignia, take enforcement under 502.473, not 502.407.



## Farm Truck License Violation (MC)

### 502.433 – Fee: Commercial Farm Motor Vehicles

Farm Truck plates can be issued for a vehicle designed or used primarily to transport property. The DMV Registration Manual states farm plates may not be issued to a passenger vehicle.

Farm Truck plates can be used for a variety of things that constitute necessities for the home/family, including:

- (1) to attend church or school;
- (2) to visit a doctor for medical treatment or supplies;
- (3) for other necessities of the home or family; or
- (4) for the purpose of participating in equine activities or attending livestock shows, as defined by Section 87.001, Civil Practice and Remedies Code.

The primary restriction is that Farm Truck license plates **cannot be used for gainful employment outside of farming or ranching**. Notice “Farm Truck” license plates are less restrictive than “Farm Trailer” license plates. Conduct a thorough interview to establish probable cause of a farm truck license violation.

**Note:** The “Commercial Motor Vehicle” language in this section references the definition in 502.001, which simply means a motor vehicle designed or used primarily to transport property. There is no specific GVWR attached to it like in other chapters of the TRC.

### 502.478 – CMV Use for Agricultural Purposes (Farm Truck Plate)

This is the violation/enforcement mechanism when a farm truck license plate is being used improperly (usually for gainful employment).

## Operate Vehicle Without Registration Insignia (MC)

## Operate Road Tractor, MC, Trailer, Semitrailer Without Registration Insignia (MC)

### 502.473 – Operation of Vehicle Without Registration Insignia

This is the offense for a vehicle that is currently registered but fails to display the registration insignia on the windshield or license plate as required.

If the registration is expired, take enforcement action for [Operation of Vehicle With Expired License Plate](#).

If the vehicle is unregistered, take enforcement action for [Operate Unregistered Motor Vehicle, Trailer, or Semitrailer](#).

If the current insignia is displayed but displayed improperly, take enforcement action under [502.059\(c\) - Proper Display of Insignia](#).

**Display Wrong/Altered/Obscured Registration Insignia (MC)**

**Display Fictitious Registration Insignia (MB)**

**Knowingly Altered or Made Registration Insignia Illegible (MB)**

### 502.475 – Wrong, Fictitious, Altered or Obscured Insignia

The offenses described in this section are specific to the registration insignia, not license plates (for similar offenses dealing with license plates, see [504.945](#)).

A person commits an offense if the person attaches to or displays on a motor vehicle a registration insignia that:

- (1) is assigned to a different motor vehicle;
- (2) is assigned to the vehicle under any other motor vehicle law other than by the department;
- (3) is assigned for a registration period other than the registration period in effect; or
- (4) is fictitious.

This offense is a Class C Misdemeanor if the registration insignia is assigned to a different vehicle or assigned for a registration period other than the period in effect.

This offense is a Class B Misdemeanor if the registration insignia is fictitious.

This offense is also enhanced to a class B Misdemeanor if the person knowingly made illegible the letters, numbers, and other identification marks on the registration insignia.

**Enforcement Example:** At times, motorists received their new registration insignia and place it on the windshield without removing the old insignia, effectively displaying the current insignia and the insignia for the previous period at the same time. Enforcement should be taken under this section for displaying an insignia from a previous period, not under 502.407 [Operate Vehicle with Expired License Plates](#).

#### **Enforcement Example:**



This insignia is not fictitious because the insignia itself was issued by Texas DMV. The owner has, however, knowingly altered the insignia. The offense would be **Knowingly Altered or Made Registration Insignia Illegible**, a Class B Misdemeanor.

**Possession of Deceptively Similar Registration Insignia (MC)**

**Possession of Deceptively Similar Registration Insignia with Prior Convictions (MB)**

**Manufacture/Sell Deceptively Similar Registration Insignia (F3)**

**502.4755 – Deceptively Similar Insignia**

A deceptively similar insignia is one that a reasonable person would presume was issued by DMV but it was not. If the insignia is meant to look like a normal registration insignia but bears false information, enforcement should be taken under 502.475 for [Fictitious Registration](#).

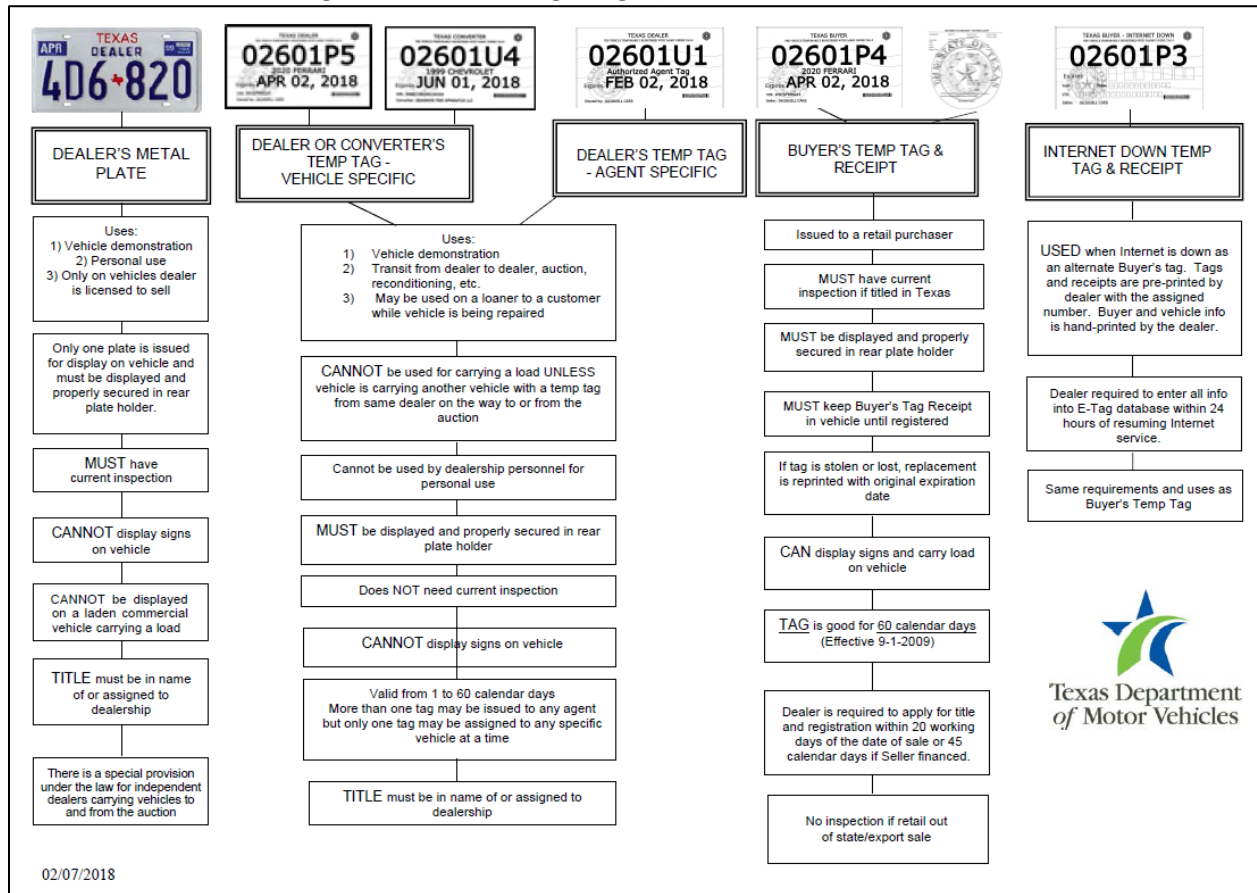
Possession of a deceptively similar registration insignia is a **Class C Misdemeanor**, however this is enhanced to a **Class B Misdemeanor** if the violator has previously been convicted of this offense.

If the person manufactures or sells deceptively similar insignias, the offense is a **3<sup>rd</sup> Degree Felony**.

For a similar offense involving license plates, see 504.946 [Deceptively Similar License Plate](#).

**TRC CHAPTER 503 – DEALER’S AND MANUFACTURER’S VEHICLE LICENSE PLATES**

Resource: Texas DMV eTag Dealer Plate & Tag Usage (zoom in for details)



## Metal Dealer License Plate Violation (MC)

### Improperly Displayed Metal Dealer License Plate (MC)

#### 503.061 – Dealer’s License Plates

This section refers to a metal dealer license plate. Per DMV rule ([215.138](#)) only one plate is issued and display is required in the rear license plate area. The RTS database will return to the dealership, not the vehicle. The dealer may place this plate on a vehicle to be used for demonstrations or for personal use. There are a few restrictions:



#### **Restrictions on metal dealer plates from [503.061](#):**

- The vehicle must be of a type the dealer is licensed to sell.

#### **Restrictions on metal dealer plates from [503.068](#):**

- The vehicle cannot be used as a service vehicle (defined in below reference admin code).
- The vehicle cannot be a commercial vehicle carrying a load.

#### **Restrictions on metal dealer plates from [DMV Administrative Code rule 215.138](#):**

- Shall be attached to the rear license plate holder of a vehicle
- A copy of the receipt for the metal dealer's license plate issued by the department should be carried in the vehicle.
- Displayed only on the type of vehicle for which the GDN is issued and for which a dealer is licensed to sell.

**Reminder:** Vehicles displaying metal dealer license plates may be used for personal use as long as the above requirements are met.

## Improperly Displayed Dealer/Buyer Temporary Tag (MC)

### Operate Vehicle Displaying Unauthorized/Improperly Used Temporary Tag (MC)

#### 503.062 – Dealer’s Temporary Tags

There are very limited uses for dealer temporary tags (dealer/converter temporary tags and authorized agent tags). They are much more restrictive than metal dealer license plates (see next page). A state inspection is not required for vehicles displaying dealer temporary tags.



Dealer's temporary tags may **ONLY** be used for the following purposes:

- Vehicle demonstration to prospective buyer.
- Transit dealer to dealer, to/from an auction, or to/from a repair facility.
- Road test the vehicle.
- Vehicle use by a charitable organization.
- Loaner vehicle to customer while customer's vehicle is being repaired.

Dealer temporary tags used for purposes not listed above constitute a violation for **Operate Vehicle Displaying Unauthorized/Improperly Used Temporary Tag**.

**Reference** [503.068\(a\)](#) – Dealer temporary tags may not be used for personal use.

**Display** – A dealer's temporary tag is required to be **displayed in the license plate display area located at the rear of the vehicle**, so that the entire temporary tag is visible and legible at all times, including when the vehicle is being operated. **Reference** [DMV Administrative Code Title 43, Part 10, Rule 215.151\(a\)](#)

#### **Legislative Changes Effective July 1, 2025**

[HB 718](#) amends numerous sections of the Transportation Code in Chapters 502, 503, and 504 to end the use of most temporary paper tags, including Dealer and Buyer Temporary tags. Dealer Temporary Tags will be replaced by Dealer Temporary license plates.

Texas DMV is tasked with the development of rules to administer these changes. This guide will be updated prior to July 1, 2025, to reflect new arrest titles and regulation. The information below is valid until Jul 1, 2025.

#### **[503.0626 – Dealer's and Converter's Database](#)**

Dealer's and Converter's temporary tags are placed in a database. Law enforcement officers can run the tag number and receive a vehicle specific return.

**Discussion** – unscrupulous dealers will often misuse dealer temporary tags and will repeatedly issue these tags to vehicles they have sold while the buyer is making payments. This is not a permitted use of Dealer Temporary Tags. Vehicles sold should be issued Buyer's Temporary Tags. A person operating a vehicle with a Dealer Temporary Tag under these conditions is committing the violation of **Operate Vehicle Displaying Unauthorized/Improperly Used Temporary Tag** (class C Misdemeanor). The dealership is committing the violation of **Unauthorized Sell/Distribution of Temporary Tags** (class A Misdemeanor).



**Buyer's Tag Violation – Temp Tag (MC)**

**Improperly Displayed Dealer/Buyer Temporary Tag (MC)**

**Operate Vehicle Displaying Unauthorized/Improperly Used Temporary Tag (MC)**

### Legislative Changes Effective July 1, 2025

[HB 718](#) amends numerous sections of the Transportation Code in Chapters 502, 503, and 504 to end the use of most temporary paper tags, including Dealer and Buyer Temporary tags. Each of these paper tags will be replaced by a metal license plate or plates.

Texas DMV is tasked with the development of rules to administer these changes. This guide will be updated prior to July 1, 2025, to reflect new arrest titles and regulation. The information below is valid until Jul 1, 2025.

### [503.063 – Buyer's Temporary Tag](#)

**Only one buyer's tag can be issued for a period of time no longer than 60 days.** The operator of a vehicle that has been issued a second Buyer's Tag after the first expires is committing a violation. If normal registration is not received prior to Buyer's Tag expiration, other temporary registration must be obtained (30 day permit, one trip permit, etc.).



The operator must carry the registration receipt while the vehicle is being operated ([Reference DMV Administrative Code Title 43, Part 10, Rule 215.156](#)).

**Display** - The dealer is required to properly display the tag upon issuance. Buyer's Temporary Tags are required to be **displayed in the license plate display area** located at the rear of the vehicle, so that the entire temporary tag is visible and legible at all times, including when the vehicle is being operated. [Reference DMV Administrative Code Title 43, Part 10, Rule 215.151\(a\)](#). A buyer's temp tag that is rolled up so that it is no longer visible and legible due to air movement while the vehicle is being operated is improperly displayed and a violation exists (**Improperly Displayed Dealer/Buyer Temporary Tag**). Flapping in the wind is not specifically prohibited as long as the tag is still visible and legible.

**Case Law** – [Pabst v. State, 466 SW 3d 902](#) - although the TRC requires the dealer to properly display the buyer's tag, the Court of Appeals states that this requirement also applies to the driver once the vehicle leaves the dealership.

Other requirements for Buyer's Temporary Tags, Per [DMV Administrative Code Title 37, Part 10, Rule 215.155](#):

- May be displayed only on a vehicle that can be legally operated on the public streets and for which a sale has been consummated.

[Reference 503.069](#) – this is the general offense for improperly displayed temporary tags.

### [503.0631 - Buyer's Temporary Tag Database](#)

Buyer's tags will return a vehicle and owner specific return from the RTS database.

**Is a Buyer's Temporary Tag legitimate as long as it shows up in the RTS Database?**

Not necessarily. Unscrupulous dealers frequently illegally sell Buyer's Temporary Tags. When the tag is sold, the dealer makes an entry in the RTS database as if it just sold the vehicle in question even though the dealer never owned or sold the vehicle. The temporary tag number returns to the vehicle and appears to be legitimate. How can an officer determine if this has occurred roadside?

If an officer suspects a dealer or buyer temporary tag has been issued illegally by a dealership, Texas DMV maintains a law enforcement assistant team to field officer inquiries and take information regarding possible dealership violations. **The Law Enforcement Assistance team can be e-mailed at [ENF LE Assist@txdmv.gov](mailto:ENF_LE_Assist@txdmv.gov) or called at (512) 465-1243.**

**Unauthorized Production or Reproduction of Temporary Tag (SJF)**

**Operate Vehicle Displaying Unauthorized/Improperly Used Temporary Tag (MC)**

**Unauthorized Purchase of Temporary Tag (MC)**

**Unauthorized Sell/Distribution of Temporary Tags (MA)**

**Organized Criminal Activity – Temp Tag (SJF)**

**Temporary Tags for Distribution to Unapproved Person (SJF)**

**Legislative Changes Effective July 1, 2025**

[HB 718](#) amends numerous sections of the Transportation Code in Chapters 502, 503, and 504 to end the use of most temporary paper tags, including Dealer and Buyer Temporary tags. Each of these paper tags will be replaced by a metal license plate or plates. The below reference section (503.067) will be repealed effective July 1, 2025.

[503.0671](#) will be added to create an offense for the unauthorized use or distribution of a dealer-issued license plate. This guide will be updated with these new arrest titles and information prior to July 1, 2025.

**[503.067 – Unauthorized Reproduction, Purchase, Use or Sale of Temp Tags](#)**

The penalties for the offenses described in this section can be found in [503.094](#).

- (a) Produce or reproduce a temporary tag or an item represented to be a temporary tag for the purpose of distributing the tag to someone other than a dealer or converter. **State Jail Felony**
- (b) Operate a vehicle that displays an unauthorized temporary tag. **Class C Misdemeanor**
- (c) A person other than a dealer or converter purchases a temporary tag. **Class C Misdemeanor**

(d) Sell or distribute a temporary tag or an item represented to be a temporary tag unless the person is a dealer issuing the tag in connection with the sale of a vehicle or a printer or distributor engaged in the business of selling temporary tags solely for uses authorized under this chapter. **Class A Misdemeanor**

**Enforcement Example:** Some dealers illegally sell Dealer Temporary Tags to the public via online marketplaces or flea markets. The tags themselves return to the vehicle and appear to be properly issued except that the vehicle is not owned by the dealership and the tags are not being used within the sanctioned parameters of Chapter 503.

The motorist who buys and displays this illegally purchased dealer temporary tag is committing the violations of **Operating a Vehicle Displaying an Unauthorized Temporary Tag** and **Unauthorized Purchase of Temporary Tag**. Both violations are Class C Misdemeanors. The dealer who sells unauthorized temporary tags is committing the violation of **Unauthorized Sell/Distribution of Temporary Tags** (Class A Misdemeanor).

#### What if a Temporary Tag is Fake?

Fraudulent temporary tags (72- and 144-hour permits, 30-day permits, dealer temporary tags, buyer's tags, etc.) are frequently encountered by officers. This occurs when a person has produced their own temporary tag in an effort to mimic a temporary tag issued by a dealership or the Department of Motor Vehicles.

Do not file charges under 504.945 for a fictitious license plate. Temporary tags/permits are never referred to as "license plates" in the TRC or in administrative code. The courts consistently steer enforcement for temporary tag violations away from 504.945 and towards more applicable sections of the TRC (Chapters 502 and 503).

A temporary tag meets the definition of a "government record" as defined in Penal Code [37.01\(2\)\(G\)](#) (clarified in [HB 914](#) effective September 1, 2023)

A person in possession or displaying a fraudulent temporary tag or permit can be charged with Tampering with Governmental Record under Penal Code 37.10:

(a) *A person commits an offense if he:*

- (1) *knowingly makes a false entry in, or false alteration of, a governmental record;*
- (2) *makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;*
- (3) *intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;*
- (4) *possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;*
- (5) *makes, presents, or uses a governmental record with knowledge of its falsity; or*
- (6) *possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.*

An offense under this section of the Penal Code involving a fictitious temporary tag is a Class A Misdemeanor.

## TRC CHAPTER 504 – LICENSE PLATES

### [504.010 – Issuance and Placement of License Plates](#)

This section states “The board may adopt rules regarding the placement of license plates for a motor vehicle, road tractor, motorcycle, trailer, or semitrailer.” This statement is the clue that DMV administrative code exists for the proper placement of license plates.

**Reference** [DMV Administrative Code Title 43, Part 10, Rule 217.27\(b\)](#) (proper license plate placement)

**Temporary Tags and Permits should not be considered license plates** - Chapter 504 regulates license plates. The offenses and regulations found in Chapter 504 should not be applied to temporary tags and permits (30-day permits, dealer temporary tags, 144 Hour Permits, etc.). These tags and permits are never referred to as license plates in the TRC or Administrative Code. Enforcement regarding temporary tags and permits should be taken under the appropriate sections of Chapter 502 and Chapter 503.

When the courts have considered traffic stops made for obstructed or obscured temporary tags, they have consistently steered away from Chapter 504 violations and towards the provisions specifically aimed at temporary tag or permit display.

## Antique License Plate Violation (MC)

### [504.502 – Certain Exhibition Vehicles](#)

**License Plates Must Read:** Antique Auto, Antique Truck, Antique Motorcycle, Antique Bus, or Military Vehicle (older issued plates may also read “Antique Vehicle”).



#### **Qualifications/Limitations:**

- Vehicle at least 25 years old if a passenger car, truck, motorcycle or bus.
- Vehicle is a collector’s item.
- Vehicle is used exclusively for exhibitions, club activities, parades, and other functions of public interest and is not used for regular transportation.
- Vehicle does not carry advertising.

Only one license plate is required to be displayed (on the rear of the vehicle).

**Reference** [601.052](#) - These vehicles are exempt from insurance requirements.

**Reference** [504.941](#) - it is an offense to use the vehicle beyond the limited scope described in this section. There is a defense to prosecution if the vehicle is being driven for the purposes of maintenance.

**Clarification:** The limitations described in this section apply only to a vehicle bearing “Antique” or “Military Vehicle” license plates. These limitations do not apply to vehicles bearing “Classic”, “Custom Vehicle”, or “Street Rod” license plates as described in [504.501](#).

**Improperly Placed/Illegible/Unreadable License Plate (MC)**

**Operate Motor Vehicle without License Plates or with One Plate (MC)**

**Operate Road Tractor, MC, Trailer, Semitrailer Without License Plate (MC)**

**504.943 – Operation of Vehicle Without License Plate**

This section requires license plates to be displayed in a manner that “complies with department rules regarding the placement of license plates.” This means the license plate must be displayed in accordance with DMV administrative rules in [DMV Administrative Code, Title 43, Part 10, Rule 217.27\(b\)](#).

**A vehicle issued two license plates must display the plates:**

- In a manner that is clearly visible, readable, and legible
- One at the exterior front and one at the exterior rear
- In an upright horizontal position
- Not less than 12” from the ground measuring from the bottom of the plates

**Enforcement Example:** A vehicle’s rear license plate is covered in dirt so that it is no longer readable. Enforcement action should be taken for **Improperly Placed/Illegible/Unreadable License Plate** under 504.943. This is a better fit than [Obscured License Plate](#) under 504.945 because of the specific language in that section.

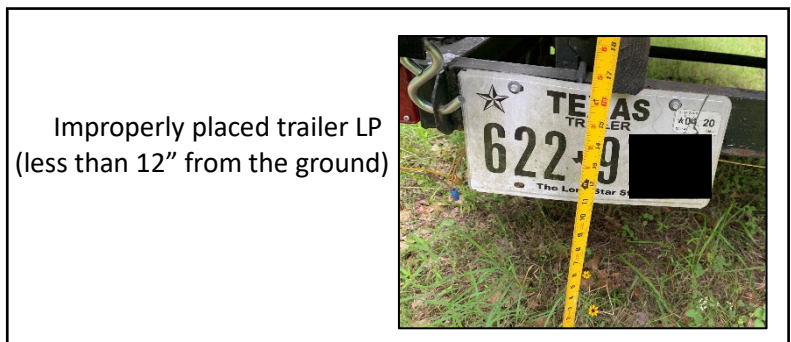
**Enforcement Example:** A vehicle’s rear license plate is mutilated from repeatedly striking a trailer tongue. The plate can no longer be deciphered. Enforcement action should be taken for **Improperly Placed/Illegible/Unreadable License Plate** under 504.943. This is a better fit than [Obscured License Plate](#) under 504.945 because of the specific language in that section.



**A vehicle issued one license plate (road tractor, MC, trailer, semitrailer) must display the plate:**

- As close as practical to the exterior rear of the vehicle
- Not less than 12” from the ground from the bottom of the plate

**Note:** There is no requirement for the plate to be displayed in an upright horizontal position for these vehicles. The plate is also not required to be “at” the exterior rear. Just “as close as practical” to the exterior rear. A trailer or motorcycle with the license plate displayed vertically would not be in violation of this section as long as the plate is not less than 12” from the ground.



## Operate Vehicle with Wrong License Plate/Registration Insignia (MC)

### [504.944 – Operation of Vehicle with Wrong License Plate](#)

It is a violation if the vehicle has a license plate or a registration insignia attached that is issued for a different vehicle.

## Display Wrong License Plate (MC)

### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

The arrest title of **Display Wrong License Plate** would apply to violations of 504.945(a)(1), (a)(2), and (a)(3):

**(a)(1)** – a vehicle displays a license plate issued for a different motor vehicle.

**(a)(2)** – a vehicle displays a license plate that is issued for the vehicle under any other law other than by the department (Texas DMV).

**(a)(3)** – a vehicle displays a license plate assigned for a registration period other than the registration period in effect (i.e. the vehicle has been issued new license plates for a new registration period but the owner failed to change the license plates out).

## Display Fictitious License Plate (MB)

### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

The arrest title of **Display Fictitious License Plate** would apply to violations of 504.045(a)(4). This offense is a Class B Misdemeanor.

**Note:** Do not file this offense for a fictitious temporary tag (See [What if the Temporary Tag is Fake](#) in the Chapter 503 section of this document).

## Obscured License Plate (MC)

### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

The arrest title of **Obscured License Plate** would apply to violations of 504.045(a)(5). [There are numerous exceptions.](#)

**(a)(5)** – a vehicle displays a license plate that has a **blurring or reflective matter** that significantly impairs the readability of the name of the state in which the vehicle is registered or the letters or numbers of the license plate number at any time.

**Note:** This arrest title should not be used for a license plate that is unreadable due to dirt or mutilation. A better fit for that situation is [Improperly Placed/Illegible/Unreadable License Plate](#) under 504.943.



## Unauthorized Illumination Device/Sticker or Emblem on License Plate (MC)

### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

The arrest title of **Unauthorized Illumination Device/Sticker or Emblem on License Plate** would apply to violations of 504.045(a)(6). [There are numerous exceptions.](#)

**(a)(6)** – a vehicle displays a license plate that has an attached illuminated device or sticker, decal, emblem, or other insignia that is not authorized by law and that interferes with the readability of the letters or numbers of the license plate number or the name of the state in which the vehicle is registered.

**Note:** The illuminated device, sticker, decal, emblem, or other insignia is not a violation unless it interferes with the readability of the license plate number or state name.

## Display Unauthorized Coating or Covering on License Plate (MC)

### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

The arrest title of **Display Unauthorized Coating or Covering on License Plate** would apply to violations of 504.045(a)(7). [There are numerous exceptions.](#)

**(a)(7)** – a vehicle displays a license plate that has a coating, covering, protective substance, or other material that:

- (A) distorts angular visibility or detectability;
- (B) alters or obscures one-half or more of the name of the state in which the vehicle is registered; or
- (C) alters, covers, or obscures the letters or numbers of the license plate number or the color of the plate.

Numerous courts have held that this section can be applied to a **license plate bracket** as long as the bracket obscures the license plate in the manner described ([Martinez v. State, 500 SW 3d 456](#); [Czerwinski v. State, Texas Court of Appeals, 13th Dist., 2018](#)).

This section would also apply to **clear or tinted license plate covers**. A change in the language of this section during the 88<sup>th</sup> Legislative Session ([HB 2195](#)) makes it an offense to “alter, cover, or obscure” the letters or numbers of a license plate. A third or subsequent conviction for violating (a)(7)(C) is a Class B Misdemeanor (altering, covering, or obscuring the letters/numbers or color of the license plate).

#### Violation Examples:



Distorts visibility, covers and obscures letters/numbers



Covers letters/numbers



Covers one-half or more of the state name

[HB 2195](#) also created a unique penalty structure for a specific violation of 504.945(a)(7)(C) (a coating, covering, protective substance, of other material that **alters, covers, or obscures the letters or numbers of the license plate number or the color of the plate**).

- 1<sup>st</sup> conviction – fine of not more than \$300
- 2<sup>nd</sup> conviction – fine of not more than \$600
- 3<sup>rd</sup> or subsequent conviction – Class B Misdemeanor

#### **Exceptions for Obscured/Obstructed/Illegible License Plates:**

There are numerous exceptions for items that may obstruct the license plate but do not constitute an offense under 504.945. These exceptions are described in [504.945\(c\)](#).

**There is no violation** if license plate is obstructed by:

- 1) a **trailer hitch** installed on a vehicle in a normal or customary manner.
- 2) a **tollway transponder** attached to the vehicle in the manner required by the issuing authority.
- 3) a **wheelchair lift or wheelchair carrier** attached to the vehicle in a normal or customary manner.
- 4) a **trailer** being towed by a vehicle.
- 5) a **bicycle or motorcycle rack** that is attached to a vehicle in a normal or customary manner.

### **Display License Plate Knowingly Altered or Made Illegible (MB)**

#### [504.945 – Wrong, Fictitious, Altered, or Obscured License Plate](#)

Any of the above discussed violations of 504.945 can be enhanced to a Class B Misdemeanor if it is shown on the trial of the offense that the person **knowingly altered or made illegible the letters, numbers, and other identification marks** on their license plate.

**Guidance:** The Class B enhancement here should only be filed against a person who knows they are equipping their vehicle in a manner that makes their license plate illegible – i.e. their intent is to make their plate illegible as opposed to other motivations. A person who knowingly places an obscuring license plate bracket on their license plate because they like the way it looks should not be charged with the Class B Misdemeanor enhancement. This is much different from a person who places a license plate bracket on their vehicle so that they can conceal their license plate from being read or detected. A thorough roadside interview should be conducted.

### **Display Deceptively Similar License Plate (MC)**

### **Display Deceptively Similar License Plate with Previous Conviction (MB)**

### **Manufacture or Sell Deceptively Similar License Plate (F3)**

#### [504.946 - Deceptively Similar License Plate](#)

A deceptively similar license plate is a license plate that was not issued by DMV but a reasonable person would presume it was issued by DMV.

These license plates typically bear the correct state and license plate number assigned to that vehicle.

**Guidance:** If the vehicle is displaying a license plate that is fraudulent and the registration return comes back with no return or registered to a different vehicle, enforcement is better taken for [displaying a fictitious license plate](#) under 504.945(a)(4) (Class B Misdemeanor).

- Displaying a Deceptively Similar License Plate is a **Class C Misdemeanor**.
- Displaying a Deceptively Similar License Plate with previous convictions is a **Class B Misdemeanor**.
- Manufacturing or Selling a Deceptively Similar License Plate is a **3<sup>rd</sup> Degree Felony**.

Due to the large number of personalized and specialty license plates, it can be difficult for officers to determine whether or not a license plate was issued by DMV or not. **The registration return for the vehicle should show the type of license plates issued for a vehicle.**

**Deceptively Similar License Plate Enforcement Example:**



Rear License Plate (DMV issued)



Front License Plate (not issued by DMV)

**Vehicle Registration Return:**

LIC GFP1 [REDACTED] JUL/2017 OLD # -NONE- N/A EWT 3700 GWT 3700
<b>PASSENGER-TRUCK PLT, STKR</b> REG CLASS 02 \$ 148.50 KLEBERG CNTY

The license plate return indicates the vehicle should be displaying normal Texas license plates. The rear plate is in compliance. **The front license plate is a deceptively similar license plate.**

**Deceptively Similar License Plate – No Violation:**



Vehicle License Plate









**Vehicle Registration Return:**

LIC LS [REDACTED] JAN/2017 OLD # LS [REDACTED] JAN/2016 EWT 7300 GWT 8800
<b>DON'T TREAD ON ME C, STKR</b> REG CLASS 03 \$ 75.00 HARRIS CNTY

The vehicle has been issued specialty “Don’t Tread On Me” license plates by DMV. The plates are not deceptively similar.

**Additional information from Texas DMV Concerning Fake/Deceptively Similar License Plates ([source](#)):**

**COMMON FAKE PLATES – WHAT TO LOOK FOR**

<p><b>COLOR ON COLOR</b> All official Texas plate designs are required to meet reflectivity and legibility standards. Reflective, white alphanumeric characters will contrast with the plate background color. <b>PLATES FEATURING A COLORED ALPHANUMERIC CHARACTER PATTERN AGAINST A COLORED BACKGROUND ARE FAKE.</b> Common examples currently found on Texas streets are fake plates with red or pink characters on a black background.</p>	<p style="text-align: center;"><b>FAKE</b></p> 	<p><b>EMBEDDED SECURITY FEATURES</b> As of August 2012, two vertical threads joined the existing round holograms on all Texas license plates. These features make it easier for law enforcement to spot legitimate plates.</p> 	
<p><b>HOUSTON TEXANS</b> The Houston Texans have licensed their blue/white/red bull's head logo for use on two Texas license plates. Both of the real plates say "Houston Texans" in the bottom legend area. <b>ANY SINGLE-COLORED TEXANS LOGO, OR PLATES THAT DO NOT HAVE "HOUSTON TEXANS" IN THE BOTTOM LEGEND AREA ARE FAKE.</b></p>	<p style="text-align: center;"><b>REAL</b></p> 	<p><b>LONE STAR BLACK - BLUE - PINK - SILVER - WHITE - RED</b> This plate series with the Large Star on left-hand side of plate holds a maximum of 6 characters. <b>ANY 7-CHARACTER PATTERN ON A LARGE STAR PLATE IS FAKE.</b></p>	
<p><b>WHAT ABOUT THE PLATE NUMBER?</b> Many FAKE plates are made with the vehicle's correct plate number printed on a fake plate design. <b>THESE ARE STILL ILLEGAL.</b></p>	<p style="text-align: center;"><b>FAKE</b></p> 	<p><b>EURO-AND ODD-SIZED PLATES</b> Texas passenger, truck, and trailer license plates measure 6x12". Motorcycle plates measure 4x7". <b>PLATES OF ANY OTHER SIZE ARE EITHER FAKE OR VINTAGE (ISSUED BEFORE 1956).</b> Texas does not issue European-sized plates.</p>	<p style="text-align: center;"><b>FAKE</b></p> 
<p style="text-align: center;"><b>FAKE</b></p> 		<p style="text-align: center;"><b>REAL</b></p> 	<p style="text-align: center;"><b>FAKE</b></p> 

**License Plate Flipper; Use, Purchase, Possess (MB) or (MA)**

**504.9465 – License Plate Flipper**

Some vehicles were manufactured with a license plate that flips down to access the gas tank - this is not a violation.

“license plate flipper” is specifically defined as *a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle and switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or hide a license plate from view by flipping the license plate so that the license plate number is not visible.*

Enforcement action for purchasing or possessing a license plate flipper should only be taken when the person is acting with criminal negligence to switch between plates or to hide the license plate. This culpable mental state is defined in [Penal Code 6.03](#).

Purchasing or possession a license plate flipper is a **Class B Misdemeanor**. Selling or distributing a license plate flipper is a **Class A Misdemeanor**.



What about a license plate “curtain”? This device slides a curtain or shield over the license plate at the press of the button. It does not meet the definition of “license plate flipper”. Charges should be filed for [Display License Plate Knowingly Altered or Made Illegible](#). This offense is a Class B Misdemeanor.



## Unauthorized Vehicle Displayed Digital License Plate (MC)

## Digital License Plate Used In Violation of Established Rules (MC)

### 504.154 - Digital License Plates Authorized

A vehicle registered under Chapter 502 may be equipped with a digital license plate only if the vehicle:

- (1) is part of a commercial fleet, as defined by Section [502.001](#);
- (2) is owned or operated by a governmental entity; or
- (3) is not a passenger vehicle.

From a [Texas Department of Motor Vehicles public bulletin](#) regarding digital license plates (DPL):

*A DLP is a wireless device that electronically provides the same information found on metal license plates. DLPs can display governmental alerts and other information, including amber alerts and advertising approved by the department, when the vehicle is not being operated; however, the plate number will always remain visible. Additionally, the motor vehicle record will be updated with a "DLP" remark viewable in the Registration and Title System for vehicles equipped with a DLP.*

*The DLP will mirror the look of the corresponding metal license plate, although a 10-digit activation number will display on the front of the DLP for law enforcement authentication purposes. ... The registration expiration month and year will appear in the upper-right hand corner of the plate in the same font size as currently displayed on metal license plates.*



Texas DMV established extensive rules regarding digital license plates in Administrative Code. The following are some key points for law enforcement regarding Texas registered vehicles displaying a DLP:

- Only certain vehicles are permitted to display DLPs. Most notably, a vehicle registered as a passenger vehicle in Texas is not permitted to display a DLP. Other common vehicles such as trucks, motorcycles, and trailers are eligible ([DMV Admin Code, Rule 217.58](#)).
- When the vehicle is not in park, the DLP must display the vehicle's license plate number in the same font and location as a metal license plate. The registration expiration must also be displayed on the digital plate ([DMV Admin Code, Rule 217.60](#)).
- While the vehicle is in park, the DLP may display other information such as government alerts and advertising, however the plate must still display the license plate number in an area 4.5x2.5 inches in the upper right corner ([DMV Admin Code Rule 217.61](#)).

- The DLP must be attached to the exterior rear of the vehicle. If the vehicle is normally required to display two license plates, a normal metal license plate must be displayed on the front of the vehicle ([DMV Admin Code, Rule 217.60](#)).
- TXDMV states that the issued registration insignia is not required to be displayed on the windshield for a vehicle equipped with a DLP, however if not displayed, the insignia must be carried inside the vehicle ([DMV Admin Code, Rule 217.60](#)).
- If the vehicle's registration has expired, the DLP is required to display the word "EXPIRED" ([DMV Admin Code Rule 217.62](#)).
- DLPs are not excepted from normal license plate display and related equipment requirements. A license plate lamp is still required and the license plate must be clearly visible, readable, and legible. The license plate must be in an upright, horizontal position not less than 12" from the ground. See [Improperly Placed/Illegible/Unreadable License Plate](#) for more details.

**What about out-of-state vehicles?** The provisions of [TRC 504.154](#) pertain to a vehicle displaying a digital license plate "in lieu of a physical license plate issued under this chapter." This phrase essentially limits this section to Texas registered vehicles. Other states have adopted different DLP rules and regulations. An out-of-state vehicle displaying a digital license plate should generally be considered to be legal and covered by reciprocity as long as the DLP is unobstructed and displays the correct license plate number.

Texas DMV has selected [www.reviver.com](http://www.reviver.com) as their vendor for digital license plates. Use of digital license plates requires a subscription through the vendor.

For additional information, [Title 43, Part 10, Chapter 217 of the Texas DMV Administrative Code](#) contains details pertaining to the Digital License Plate program:

[Rule 217.58](#) - Digital License Plate Eligibility

[Rule 217.59](#) - Digital License Plate Testing

[Rule 217.60](#) - Digital License Plate Specifications and Requirements

[Rule 217.61](#) - Digital License Plate Designs and Displays

[Rule 217.62](#) - Digital License Plate Removal Malfunction

[Rule 218.63](#) - Digital License Plate Fee and Payment

[Rule 217.64](#) - Digital License Plate Provider Services and Replacement



## DRIVER LICENSES

### No Driver License When Unlicensed-Not CDL (MC)

#### [521.021- License Required](#)

A person, other than a person exempted, may not operate a motor vehicle on a highway in Texas unless they hold a driver's license.

**Motor Vehicle** - a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device (Segway). Reference [541.201](#)

**Highway** - the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel. Reference [541.302](#)

#### [521.027 – Persons Exempt from License Requirement](#)

These people are exempt from the license requirement in [521.021](#):

- (1) Military personnel operating military vehicles in the scope of their military service.
- (2) A person operating a road machine, farm tractor, or implement of husbandry that is not a commercial motor vehicle.

**Road Machinery** - a self-propelled vehicle that was originally and permanently designed as machinery, is not designed or used primarily to transport persons or property, and is only incidentally operated on a highway. Reference [547.001\(5-a\)](#)

**Farm Tractor** - a motor vehicle designed and used primarily as a farm implement to draw an implement of husbandry, including a plow or a mowing machine. Reference [541.201](#)

**Implement of Husbandry** - (A) a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the soil; (B) a towed vehicle that transports to the field and spreads fertilizer or agricultural chemicals; or (C) a motor vehicle designed and adapted to deliver feed to livestock. Reference [541.201](#)

- (3) Non-resident active military personnel licensed in another state or Canada. **Note:** they must have a license in their home state.

- (4) A spouse or dependent of #3 above who is licensed in their home state.

#### [521.030 – Reciprocal License](#)

Texas grants reciprocity to nonresident license holders visiting Texas. They are allowed to drive with a valid license issued in their home state or Canadian province while in Texas. Once a person becomes a resident of Texas, they must obtain a Texas driver's license within 90 days (Reference [521.029](#)).

Texas also recognizes driver's licenses issued in many other countries when nonresidents are visiting this state from another country. The country must be part of a reciprocity agreement. Currently valid reciprocity agreements:

- 1943 Inter-American Convention on Regulation of Inter-American Automobile Traffic ([link](#))
- NATO ([link](#))
- 1949 Convention on Road Traffic ([link](#))
- Additional considerations per US State Department ([link](#))

**Discussion:** Mexican residents 18 years-of-age or older traveling in Texas are permitted to drive on their Mexican driver's license because Mexico is a member of the 1943 Inter-American Convention on Regulation of Inter-American Automobile Traffic.

The reciprocity described by the above international agreements is for non-commercial driver's licenses. Per Texas DPS, for the operation of commercial motor vehicles, [only Canadian and Mexican Commercial Driver's Licenses have full reciprocity with Texas.](#)

### **Verifying a Mexican Federal Commercial Driver's License**

The following information and process was provided by the Texas DPS Motor Carrier Bureau:

Please provide this link to your personnel in order to assist in verifying the validity of Mexican Federal CDL's. This link provides the ability to verify the CDL holder's photograph against the CDL that is presented roadside. However, the user should keep in mind the FMCSA's advisory regarding fraudulent CDL's being sold/issued by Mexican government employees to foreigners (non-qualified Central Americans). This link should be viable for use in any search engine. If a security code isn't visible at the center of the entry fields, follow the steps listed below:

<http://app.sct.gob.mx/ConsultaInfracciones//ConsultaLicenciaFederal.jsp>

Upon entering the site, the user may choose to select 'English' as the preferred language for their use. After that selection, the user should enter any input into all three (3) entry boxes. I typically just enter the number '1' in each of the License, No. Preventive Med. and Perform Search boxes.

After entering the information (1) in the entry fields and selecting "Perform Search", a security code surrounded by a red field will present itself. At that point, the Mexican Federal CDL number can be entered, the No. Preventive Med. number, followed by the introduced security code (in all caps).

After clicking "Perform Search", a return will emerge. Clicking on the "Photo" on the top center will render an image attached to the issued Mexican Federal CDL for comparison to the driver.

Please consult with your local prosecutor's office in order to determine if they will support the filing of the criminal offense of Tampering with a Governmental Record.

### **37.10 - Tampering With Governmental Record**

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

(5) makes, presents, or uses a governmental record with knowledge of its falsity; or

(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

### **Expired Driver License (MC)**

It is a violation to drive after the expiration date of a Texas driver's license.

#### **521.026 – Dismissal of Expired Driver License Charge**

A judge MAY dismiss an expired license charge if the license is renewed within 20 working days/before the first court appearance.

There is no statutory requirement to dismiss – this is at the judge's discretion.

### **Employ Unauthorized School Bus Driver (MC)**

#### **School Bus Driver – Unauthorized (MC)**

#### **521.022 – Restrictions on Operators of Certain School Buses**

There are numerous restrictions and qualifications for school bus operators:

- (a)** Must be at least 18 years of age to transport students.
- (b)** Must hold the appropriate class of driver's license for the vehicle being operated.
- (c)** Must meet the mental and physical capability requirements DPS establishes by rule and has passed an examination approved by the department to determine the person's mental and physical capabilities to operate a school bus safely. Reference [Texas Administrative Code Title 37, Part 1, Chapter 14, Rule 14.12](#)
- (d)** Must have an acceptable driving record is according to minimum standards adopted by the department. A check of the person's driving record shall be made with the department annually. Reference [Texas Administrative Code Title 37, Part 1, Chapter 14, Rule 14.14](#)
- (e)** Must Be certified in school bus safety education. Reference [Texas Administrative Code Title 37, Part 1, Chapter 14, Subchapter C](#)

Before a person is employed to operate a school bus to transport students, the employer must obtain a criminal history record check. A person that has been convicted of a felony or misdemeanor involving moral turpitude may not be employed to drive a school bus on which students are transported unless the employment is approved by the board of trustees of the school district or the board's designee.

**Fail To Display Driver License (MC)**

**Fail To Display Driver License (2nd Offense) (MC)**

**Fail To Display Driver License (3rd Offense) (MB)**

**Fail To Display/Wrong Class Driver License Without Financial Responsibility And Causes Crash W/ SBI Or Death (MA)**

**521.025 – License to be Carried and Exhibited on Demand; Criminal Penalty**

A person is required to hold the correct class of license for the vehicle being operated and is required to display the license upon the demand of a magistrate, court officer, or peace officer. Failure to display the license as required is the offense of **Fail to Display License**.

There are enhancements for subsequent convictions committed within one year:

- 2<sup>nd</sup> offense increases the fine.
- 3<sup>rd</sup> or subsequent offense is a Class B Misdemeanor.

There is also an enhancement for having the wrong class of license or failing to display a license while operating without financial responsibility and causing a crash resulting in serious bodily injury or death. This offense is a Class A misdemeanor.

**DPS Guidance:** [521.025 Subsection \(b\)](#) states that a peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver's license. This describes a suspicion-less stop. Department policy allows suspicion-less stops only in very specific circumstances (checkpoints set up in a prescribed manner). Department personnel **SHOULD NOT** conduct suspicion-less stops to check for driver's licenses unless participating in an approved checkpoint as described in [Chapter 4 of the THP manual](#).

**Case Law – [State v. Luxon](#)** – a suspicionless stop as described in this section is still subject to 4<sup>th</sup> Amendment analysis and is only permissible when carried out in a very specific manner (sanctioned checkpoint situations that are compliant with Supreme Court reasonableness tests).

**Reference** Penal Code [38.02 - SB 1551](#) (effective 9/1/23) amended Penal Code [38.02](#) to create a new Failure to Identify offense. It is a Class C Misdemeanor if a person is the operator of a motor vehicle detained by a peace officer for an alleged violation of the law and fails to display a driver's license and refuses to give the person's name, driver's license number, residence address, or date of birth. If the driver gives a false or fictitious name, the offense is a Class B Misdemeanor. Prior to this change, the refusal to provide identifying information was not an offense of Penal Code [38.02](#) unless a person had actually been placed under arrest by the peace officer prior to the refusal.

**Texas Resident Driving with Out-Of-State Driver's License For More Than 90 Days (MC)**

**521.029 – Operation of Motor Vehicle by New State Residents**

New residents have 90 days to obtain a Texas license as long as they were licensed in their previous state of residence. A thorough roadside interview should be conducted to determine whether or not a person is a resident of Texas, as well as how long they have lived in this state.

## Fail To Report Change Of Address/Name (MC)

### [521.054 – Notice of Change of Address or Name](#)

A person who moves to a new address or changes their name must notify the Department to update their license within **30 days**.

A person who had an alternate address on their license for security purposes because they were a state or federal judge ([521.121\(c\)](#)) must report their correct address within 30 days if they cease to be a judge.

## Improper Driver License For Type of Vehicle (Specify) (MC)

### Fail To Display/Wrong Class Driver License Without Fin Responsibility And Causes Crash W/ SBI Or Death (MA)

### [521.025 – License to be Carried and Exhibited on Demand; Criminal Penalty](#)

A person is required to hold the correct class of license for the vehicle being operated. Operating a vehicle with the wrong class of driver's license is the offense of **Improper Driver License for Type of Vehicle**.

There are enhancements for subsequent convictions committed within one year:

- 2<sup>nd</sup> offense increases the fine.
- 3<sup>rd</sup> or subsequent offense is a Class B Misdemeanor.

There is also an enhancement for having the wrong class of license while operating without financial responsibility and causing a crash resulting in serious bodily injury or death. This offense is a Class A misdemeanor.

**Important:** The weight used to determine class of license is the **Gross Vehicle Weight Rating** or **Gross Combination Weight Rating**. Do not base class of license determination on registered weight or gross weight. The Gross Vehicle Weight Rating is set by the manufacturer and can be found on the vehicle's VIN sticker.

Gross Vehicle Weight Rating is defined in [522.003](#) – the value specified by the manufacturer as the loaded weight of a single vehicle.

Gross Combination Weight Rating is defined in [522.003](#) – the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle or, if the manufacturer has not specified a value, the sum of the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and any load on a towed unit.

The classes of licenses are described in [521.081](#) (Class A), [521.082](#) (Class B), [521.083](#) (Class C) and [521.084](#) (Motorcycle). (See additional information below)

**Enforcement Application:** Many larger vehicles require a Commercial Driver's License to operate, however there are [numerous exemptions from the Commercial Driver's License requirement](#). These exemptions can be found in TRC [522.004](#) and include recreational vehicles, vehicles operated for personal use (not in commerce), emergency vehicles, and certain covered farm vehicles. While the operator of a one of these vehicles is exempt from CDL requirements, if the vehicle is large enough an elevated class of license is required.

**Class A authorizes an individual to drive:**

- Single vehicle with a GVWR of 26,001 pounds or more.
- A combination of vehicles with a GCWR of 26,001 pounds or more provided the GVWR of the vehicle(s) in tow is in excess of 10,000 pounds.

**Class B authorizes an individual to drive:**

- Single vehicle with a GVWR of 26,001 pounds or more.
- Single vehicle with a GVWR of 26,001 pounds or more that is towing a vehicle with a GVWR that does not exceed 10,000 pounds or a farm trailer with a GVWR that does not exceed 20,000 pounds.
- A bus with a seating capacity of 24 passengers or more including the driver.

**Class C authorizes an individual to drive:**

- Single vehicle or combination of vehicles that are not included in Class A or B.
- Single vehicle with a GVWR or less than 26,001 pounds towing a trailer with a GVWR that does not exceed 10,000 pounds.
- Single vehicle with a GVWR of less than 26,001 pounds towing a farm trailer with a GVWR that does not exceed 20,000 pounds.
- Vehicle designed to transport 23 or less passengers including the driver (Note: Vehicles rated for the transport of 16-23 passengers including the driver require a Class C CDL, unless exempt).
- An autocycle.

**Class M authorizes an individual to drive a motorcycle.**

**Class of Driver's License - Rules for Enforcement Decisions**

**If you are looking at a Single Unit (not in combination):**

- Class A is NEVER required.
- GVWR 26,001 lbs. or more – Class B
- Bus with seating capacity of 24 or more – Class B
- Everything else – Class C

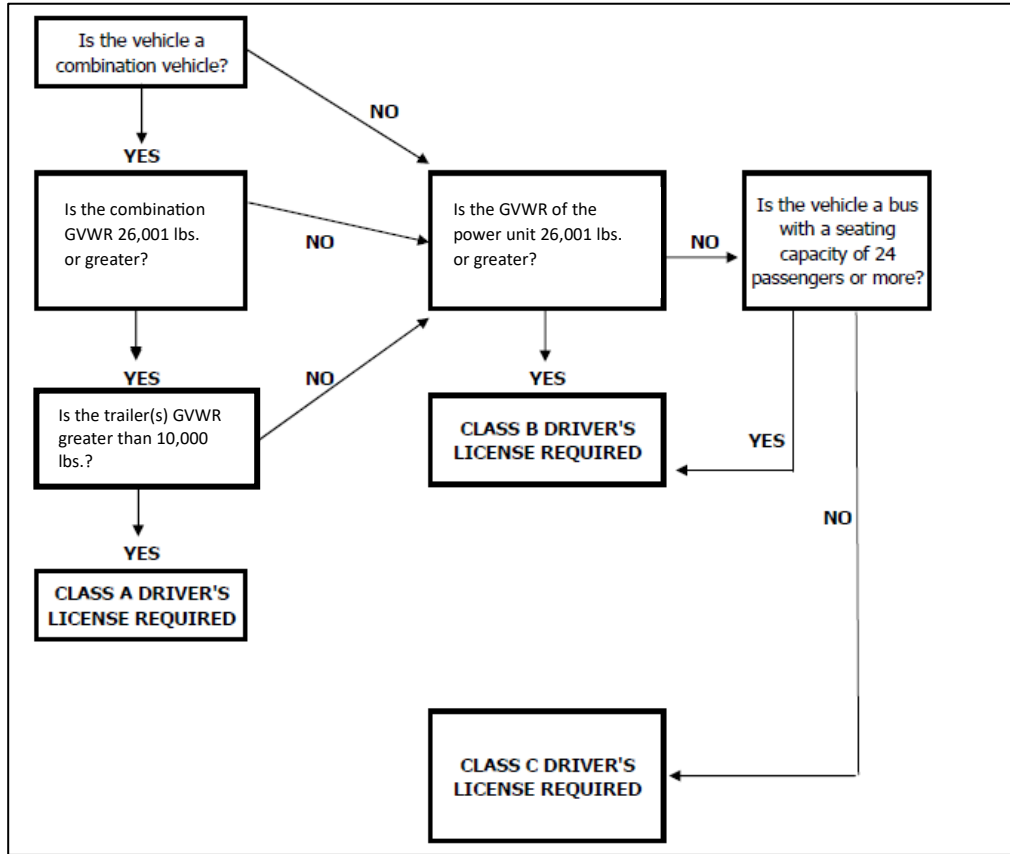
**If you are looking at a Combination Unit:**

- Start with the trailer.
  - Trailer GVWR 10,000 lbs. or less – pretend the trailer does not exist. Treat like the power unit is operating alone.
  - Farm Trailer GVWR 20,000 lbs. or less – pretend the trailer does not exist. Treat like the power unit is operating alone.

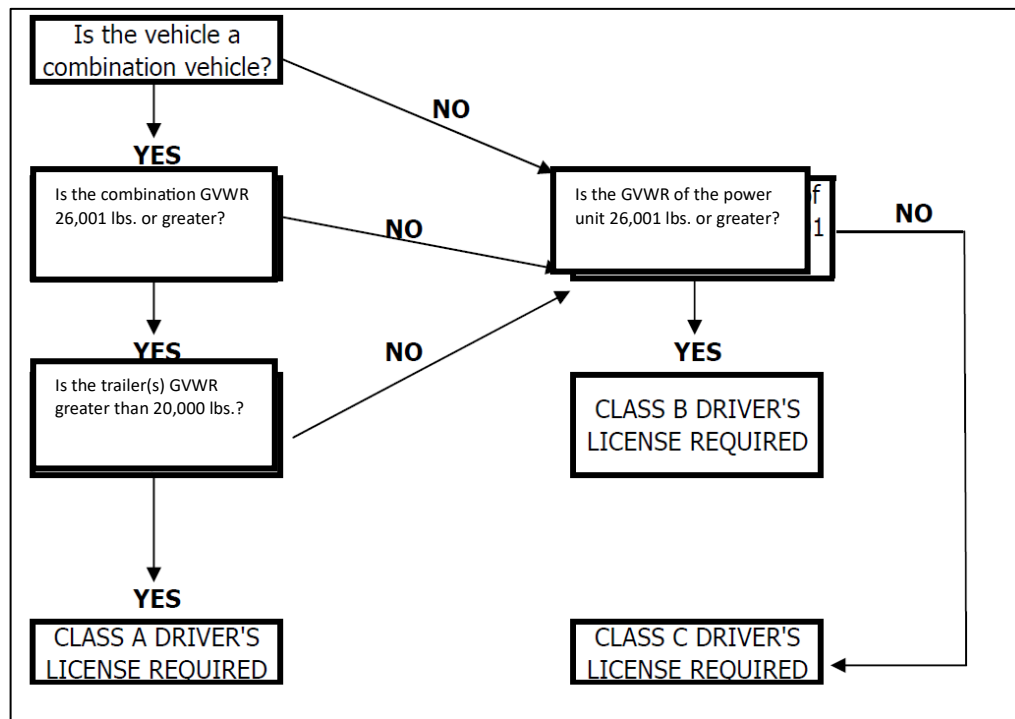
**To require a Class A License, all three must be present:**

- MUST be a combination.
- Trailer's GVWR must be more than 10,000 lbs. (20,000 if it is a farm trailer).
- The combination weight rating must be more than 26,000 lbs.





**Non-CDL Class of License Flow Chart if the Trailer is NOT a Farm Trailer**



**Non-CDL Class of License Flow Chart if the Trailer is a Farm Trailer**

**Violate Non-CDL Restriction (MC)**

**Violate Non-CDL Endorsement (MC)**

#### [521.221 – Imposition of Special Restrictions and Endorsements](#)

The department may impose a restriction or require an endorsement on a person's license. It is a violation to operate a motor vehicle in violation of a restriction imposed or without the endorsement required on the license issued to that person.

A complete list of restrictions and endorsements can be viewed on the Department's website:

[Texas Driver License Restrictions and Endorsements](#)

**Passenger Sleeps/Is Intoxicated/Cannot Observe When Driver Holds Instruction Permit (MC)**

#### [521.222 – Learner License](#)

A person who holds a learner license must have a licensed operator at least 21 years of age in the front seat monitoring their driving. This person is required to remain attentive. The person occupying the seat next to the learner license holder commits a violation if they sleep, are intoxicated, or are otherwise engaged in activities that prevent proper supervision.

**Violate Driver License Restriction On Occupational License (MB)**

**Violate Restriction on Occupational License – No Ignition Interlock When Required (MB)**

**Fail To Display Court Order - Occupational License (MB)**

All of these violations are **Class B Misdemeanors**.

#### [521.248 – Order Requirements](#)

When a court considers an application for an occupational license and the judge finds that an applicant has an essential need to drive, a court order is issued granting the occupational license and setting forth any driving restrictions for the occupational license.

The order serves as the occupational license for 45 days once it is granted ([521.249](#)). After 45 days, the driver should have completed the rest of the process and obtained the actual occupational license (see process summary below).

#### [521.250 – Court Order in Operator's Possession](#)

A person driving on an Occupational License must have a "certified copy" of the court order in hand and shall show it to a peace officer on request. This is the only way law enforcement can see the specific driving restrictions applied to that driver.

### [521.253 – Criminal Penalty](#)

It is an offense to drive on an occupational license without the certified court order.

It is an offense to violate a specific restriction applied to the Occupational License in the court order.

Either offense is a **Class B Misdemeanor** and the occupational license is revoked upon conviction.

### **Occupational License Process Summary:**

The process to get an occupational license is described in [TRC Chapter 521, Subchapter L](#). The process can be summarized in this manner:

- 1. Petition** – the driver files a petition with the court and sets forth an essential need to drive.
- 2. Hearing** – the judge considers the petition and decides if an essential need to drive exists.
- 3. Court Order** – the judge grants the occupational license and sets forth driving restrictions. The recipient may drive using only this court order for a period of 45 days after issuance, after which they must have completed steps 4 and 5 below to receive the actual occupational license to continue driving.
- 4. 601 compliance** – the driver provides proof to DPS that they have insurance (SR-22).
- 5. Occupational License** – Department issues an occupational license (valid for 1 year from date of the court order, per [521.271](#)).

**Note:** If a person’s license was suspended for an intoxication related offense, the applicant does not have to show an essential need in order to obtain an occupational license as long as they have an ignition interlock device installed on their vehicle ([521.244\(e\)](#)). If the occupational license restricts the license holder to driving only a vehicle with an ignition interlock device, they should not be subject to time of travel or location of travel restrictions ([521.248\(d\)](#)).

### **False Driver License/ID Certificate (MA)**

### **Fictitious Driver License In Possession (MA)**

### **Display Fictitious/Altered Driver License Or Certificate (MA)**

### [521.451 – General Violation](#)

This section describes numerous driver license/ID card violations, all of which are **Class A Misdemeanors**.

**(a)(1)** – It is a violation to display, cause or permit to be displayed, or have in the person’s possession a driver’s license or ID card that the person knows is **fictitious or has been altered**.

**Note:** For a person under 21 years of age who possesses a false DL or ID card for the purposes of representing that they are 21 years of age or older, enforcement is better taken for “[Possess With Intent To Represent False DL/ID When <21 Years Old](#)” ([521.453](#), a Class C Misdemeanor).

**(c)** – if a person commits a violation of this section that is also a violation of [Texas Alcoholic Beverage Code 106.07](#), **they should be prosecuted under the Alcoholic Beverage Code**. This means if a person presents a fraudulent DL or ID to represent they are 21 YOA or older to a person selling or serving alcohol, they should be charged for that offense rather than an offense under this section of the TRC. An offense under TABC 106.07 is a Class C Misdemeanor.

## Permit Unlawful Use Of Driver License (MA)

### 521.451 – General Violation

This section describes numerous driver license/ID card violations, all of which are **Class A Misdemeanors**.

**(a)(2)** – It is a violation to **lend** the person’s driver’s license or ID card to another person or knowingly permit another person to use the person’s driver’s license or ID card.

## Present Driver License Issued To Another Person (MA)

### 521.451 – General Violation

This section describes numerous driver license/ID card violations, all of which are **Class A Misdemeanors**.

**(a)(3)** – It is a violation to **display** or represent as the person’s own a driver’s license or ID card **not issued to the person**.

## More Than One Valid Driver License In Possession (MA)

### 521.451 – General Violation

This section describes numerous DL/ID card violations, all of which are **Class A Misdemeanors**.

**(a)(4)** – It is a violation to possess more than one currently valid driver’s license or more than one currently valid ID card.

**Discussion Point:** This offense should not be used when a person has simultaneous possession of a current license and an old expired license or when a person has one DL and one ID card. The term “driver’s license” is defined in [521.001](#) (a)(3) as “*an authorization issued by the department for the operation of a motor vehicle.*” In other words, “driver’s license” goes far beyond the piece of plastic. The term is used to describe a person’s authorization to operate a motor vehicle in Texas. The plastic license is simply an identifying card that proves a person is authorized to operate a vehicle.

A person who has been issued a new plastic license due to renewal or address change and is still carrying the old license with them still only possesses one “driver’s license” as defined by Chapter 521 – i.e. they only have one authorization to operate a motor vehicle in Texas. The number on the licenses is the same, therefore they represent the same authorization. This charge should only be used when someone possesses more than one driver’s license or ID cards that represent different identifying information or distinguishing numbers. Remember, this is a Class A Misdemeanor – a serious criminal offense meant for someone trying to perpetrate identity fraud, not a person who is carrying their old expired license or ID card with them along with their current card.

## Possess With Intent To Represent False DL/ID When <21 Years Old (MC)

### [521.453 - Fictitious License or Certificate](#)

It is an offense for a person under 21 years-of-age to possess a fake driver's license or ID card with the intent of misrepresenting their age unless the card states "NOT A GOVERNMENT DOCUMENT" clearly and indelibly on both the front and back.

This applies to fake Texas and out of state licenses and ID cards. This offense is a Class C Misdemeanor.

**Note:** If the person possesses a fraudulent DL or ID card with intent other than to misrepresent their age, they may be prosecuted under [521.451](#) for a more serious criminal offense.

### Driving While License Invalid (MC)

### Driving While License Invalid with Previous Alcohol Suspension (MB)

### Driving While License Invalid with Previous Conviction or Without Fin Responsibility (MB)

### Driving While License Invalid Without Financial Responsibility - Collision SBI/Death (MA)

### [521.457 – Driving While License Invalid](#)

This offense is generally a Class C Misdemeanor, but can be enhanced all the way to a Class A Misdemeanor in certain circumstances.

"Suspended", "Denied", "Revoked" and "Cancelled" licenses are all invalid.

**Discussion Point:** This offense is specific to a license that is canceled, suspended, denied, or revoked under the laws of "this state". A person with an out of state license that is suspended should not be prosecuted under this section. If their out of state license is suspended, consider them to be unlicensed and they should be prosecuted for [No Driver License](#) under [521.021](#).

**Class C Misdemeanor DWLI** – first offense.

#### **Class B Misdemeanor DWLI (any of the following):**

- The person has a previous DWLI conviction.
- The person is operating without insurance/proof of financial responsibility per [601.191](#).
- The person's driving privileges have previously been suspended for an offense related to the operation of a motor vehicle while intoxicated.

**Class A Misdemeanor DWLI** – the person's license is invalid, they are not maintaining financial responsibility (insurance), and they **cause** a crash that results in SBI or death of another person.

**Can DWLI be filed against an unlicensed person?** Yes. Remember the definition of "License" in [521.001](#) - *the authorization to operate a motor vehicle that is issued under or granted by the laws of this state. The term includes (A) a driver's license; (B) the privilege of a person to operate a motor vehicle regardless of whether the person holds a driver's license; and (C) a nonresident's operating privileges.* A person

who has never had a Texas driver license can still have their privilege/authority to drive denied or revoked and can be charged with DWLI.

**Example:** A person holds only a Texas ID card. They are arrested for DWI and refuse to provide a specimen of their breath for analysis. Texas applies a 180 suspension against their driving privileges, meaning they cannot obtain a Texas license - even if they meet all other requirements - until the suspension period is over. If you find this person driving, they are committing the offense of DWLI because they are operating a vehicle during a period their driving privilege is suspended.

**Reference** [CCP 14.06\(c\) and \(d\)\(7\)](#) – DWLI is one of the offenses for which a person can be cited and released even if they are committing a class B or A level Misdemeanor. They must reside in the county in which the offense took place. Officers may release the offender after issuing a citation containing court information and the offense charged. Officers should then submit a case report detailing the offense to the appropriate court.

TDCAA Resource on DWLI: <https://www.tdcaa.com/journal/untangling-how-to-charge-a-dwli/>

### **Parent/Guardian Permit Unlicensed Minor To Drive (MC)**

### **Authorize Or Permit Unlicensed Person To Drive (All Others) (MC)**

#### **521.458 – Permitting Unauthorized Person to Drive**

**(a)** Parents may not permit or cause their minor child (under 18 YOA) to drive without a license or otherwise in violation of Chapter 521.

**(b)** It is a violation for anyone to allow a person to drive their vehicle knowing the person is unlicensed or otherwise in violation of Chapter 521.

#### **Enforcement Examples:**

Joe is on a road trip with his friend in the vehicle. Joe is driving, but he gets tired. Joe knows his friend has a suspended license but he allows the friend to drive, anyway. Joe's friend is committing the violation of DWLI and Joe is committing the violation of **Permitting an Unlicensed Person to Drive**.

Jimmy is 14 years old and unlicensed. Jimmy's mom allows Jimmy to drive the family vehicle to and from school each day alone. An officer stops Jimmy one day and calls Jimmy's mom to the scene of the traffic stop to pick him up. If Jimmy's mom knew he was driving, she can be charged with **Parent/Guardian Permit Unlicensed Minor to Drive** even if she was not in the vehicle with him at the time of the traffic stop.

### **Employ Unlicensed Driver**

#### **521.459 – Employment of Unlicensed Driver**

Before employing someone as a driver to transport people or property, the employer must request the person's driving record and must verify that they are properly licensed. The employer commits an offense if they employ someone as a driver who is not properly licensed.



## COMMERCIAL DRIVER LICENSES

**Note:** Texas adopted C.F.R. 49, Part 383 – the Federal Commercial Driver’s License Standards, Requirements, and Penalties. In many cases, the federal regulations and state law in Chapter 522 are consistent. Officers should be aware that Chapter 522 is not the only thing regulating commercial driver’s licenses in Texas.

### [522.003 – Definitions](#)

**(5) Commercial motor vehicle** – has the meaning assigned by [49 C.F.R. Section 383.5](#).

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:

- (1) Combination Vehicle (Group A)**—having a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
- (2) Heavy Straight Vehicle (Group B)**—having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; or
- (3) Small Vehicle (Group C)** that does not meet Group A or B requirements but that either— (i) Is designed to transport 16 or more passengers, including the driver; or (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

**Class A CDL** – Authorizes a combination with GCWR of 26,001 or more when the towed vehicle has a GVWR of more than 10,000.

**Class B CDL** – Authorizes:

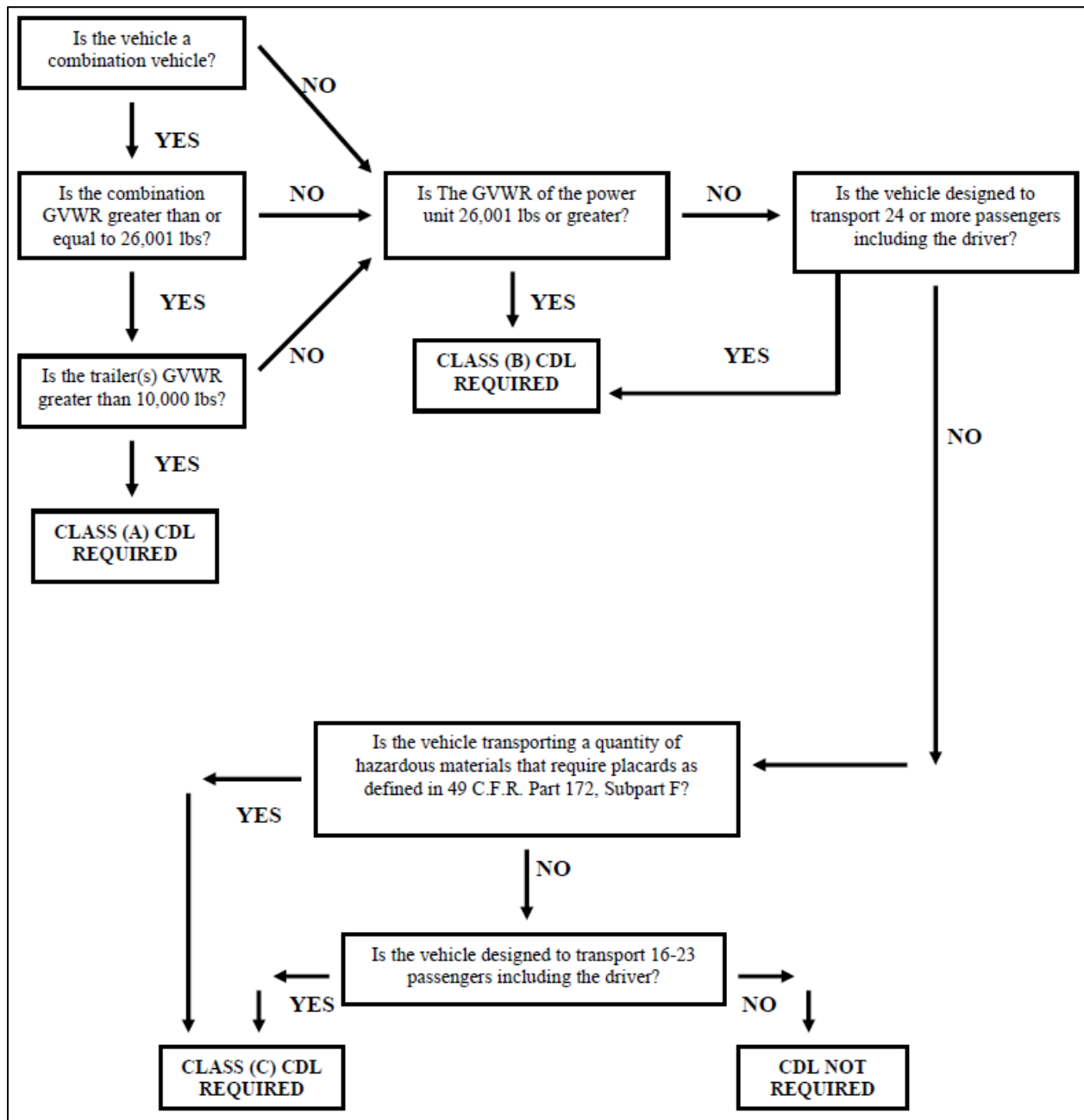
- (1)** a single unit with a GVWR of 26,001 or more;
- (2)** a unit with a GVWR of 26,001 or more towing a vehicle with a GVWR of 10,000 or less; or
- (3)** a vehicle with a passenger capacity of 24 or more (including driver).

**Class C CDL** – Authorizes a commercial vehicle not otherwise described – would include vehicles with a passenger capacity of 16-23 people and also any vehicle hauling hazmat that does not meet the weight requirements for a Class A or B CDL.

(see CDL Flowchart on next page)

**Note:** There are a few [exceptions](#) when a person may be operating a vehicle that meets the definition of a commercial motor vehicle but is exempt from the requirement to hold a CDL. These exceptions are described in [522.004](#).

**Texas CDL Class of License Flowchart:**



## [522.004 – Applicability](#)

The individuals on this list are exempt from CDL requirements even though they may be driving a larger vehicle that meets the definition of commercial motor vehicle. These people are ONLY exempt from CDL requirements. They are still required to have an elevated class of license if they are operating larger vehicles as described in [521.081](#) and [521.082](#) (See [Non-CDL Flow Charts](#)).

### **Exempt from CDL Requirements:**

**(1) Farm vehicles** within 150 miles of the farm while transporting farm products and not used in the operations of a common or contract motor carrier. (NOTE: Farmers now have a broader exemption under #8 below, so they are no longer limited to 150 miles).

### **(2) Fire Fighting or Emergency Vehicles**

**(3) Military Vehicles** – when operated by military personnel for military purposes (Note: under [521.027](#), they are not required to be licensed at all as far as Texas is concerned).

**(4) Recreational Vehicles (RVs)** – defined as a motor vehicle primarily designed as temporary living quarters for recreational camping or travel use. The term includes a travel trailer, camping trailer, truck camper, and motor home.

**(5) Vehicles used by air carriers** – when operated exclusively on airport property where the public does not have access.

**(6) Cotton Vehicles** – when used exclusively to transport seed cotton modules or burrs.

**(7) A vehicle operated intrastate and not in commerce**

**(8) A covered farm vehicle per 49 CFR Section 390.5** (see below)

What is a **covered farm vehicle** as described in 49 CFR Section 390.5?

- Operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator.
- Transports agricultural commodities, livestock, machinery or supplies to or from a farm or ranch
- Has a license plate or some other means specified by the state that identifies it as a farm vehicle ([DPS Policy](#) is to base “farm vehicle” status on the driver interview even if the vehicle is not displaying farm license plates).
- Is not used in for-hire motor carrier
- [From § 390.39] Is not transporting hazardous materials that require placarding, and either of the following:
  - o Has a GVW or GVWR (whichever is greater) of 26,001 or less, in which case the CFV exemptions in § 390.39 apply anywhere in the United States.
  - o Has a GVW or GVWR (whichever is greater) of more than 26,001 pounds and travels within the State where it is registered or, if traveling out of the State where it is registered, stays within a 150 air miles of the owner or operator’s farm or ranch.

## License Or Permit Required - No Valid CDL (MC)

## License Or Permit Required; CDL Disqualified Or Out Of Service (MC)

### 522.011 – License or Permit Required; Offense

This is the general law requiring the operator of a commercial motor vehicle to hold a valid CDL.

**(a)(1)(A)** – It is a violation to operate a commercial motor vehicle without a commercial driver’s license or with a CDL that is not for the correct class of vehicle being operated.

**(a)(1)(B)** – It is a violation to operate a commercial motor vehicle while the person’s CDL is disqualified or subject to an out-of-service order.

Reference [522.004](#) – Exceptions to CDL Requirement (see above).

**Out-of-Country CDL Reciprocity** – Texas extends commercial driver’s license reciprocity to [Mexico and Canada](#). [HB 4337](#) in the 88<sup>th</sup> Legislature (effective 9/1/23) modified out-of-country CDL reciprocity. If an out-of-country CDL holder is not authorized to work in the United States under federal law, they may only operate a commercial motor vehicle in a county that borders Mexico. A federally issued work visa will serve as proof the driver is authorized to work in the United States. A Mexican CDL holder operating in a non-border county without authorization to work in the United States is considered to be operating the commercial motor vehicle without a valid CDL.

Operating privileges under out of state or country reciprocity end once a person has lived in Texas for more than 30 days (Reference [522.015](#)). A person who has lived in Texas for more than 30 days but is operating a commercial motor vehicle with an out-of-state or country license commits the offense of No Valid CDL because they no longer have commercial motor vehicle operating privileges.

## Class of Commercial Driver’s License – Rules for Enforcement

These rules assume the vehicle meets the definition of a commercial motor vehicle in [522.003](#).

If you are looking at a **Combination Unit**:

- Start with the trailer. If the GVWR 10,000 lbs. or less – pretend the trailer does not exist. Treat like the power unit is operating alone.

To require a **Class A CDL License**, all three must be present:

- MUST be a combination operated in commerce.
- Trailer’s GVWR must be more than 10,000 lbs.
- The combination weight rating must be more than 26,000 lbs.

If you are looking at a **Single Unit** operated in commerce:

- Class A is NEVER required.
- GVWR 26,001 lbs. or more – Class B CDL
- Bus with seating capacity of 24 or more – Class B CDL
- Buss with a seating capacity of 16-23 – Class C CDL
- Hazmat, but does not meet weight or passenger numbers for elevated license – Class C CDL

## **Violate CDL Endorsement (MC)**

### **522.042 – Endorsements; Offense**

If officers encounter one of the described commercial motor vehicles, it is a violation to operate the vehicle without the proper endorsement:

**HAZMAT** – H endorsement

**Double or Triple Trailer** – T endorsement

**Passengers** – P endorsement

**Tank Vehicle** – N endorsement

**HAZMAT and Tank Combined** – X endorsement

**School Bus** – S endorsement

## **Violate CDL Restriction (MC)**

### **522.043 – Restrictions; Offense**

The Department may place restrictions on commercial driver's licenses and it is a violation to operate a commercial vehicle in violation of a restriction imposed on the license.

A complete list of restrictions and endorsements can be viewed [here](#).

## **Driving While Disqualified Prohibited – CMV (MC)**

## **Driving While Disqualified Prohibited - CMV W/Previous Conviction (MB)**

## **Driving While Disqualified Prohibited - CMV While Out Of Service (MC)**

### **522.071 – Driving While Disqualified Prohibited**

It is a violation to drive a commercial motor vehicle during a period the person's commercial driver's license is denied, disqualified, or while the person is subject to an out of service order.

**(d)** this offense is punishable as provided for an offense under [521.057](#) (DWLI), meaning it can be enhanced for previous convictions, no insurance, and causing a SBI crash without insurance.

## Driving a Commercial Vehicle With Alcohol in the System

TRC Sections [522.101](#) – [522.106](#) detail the administrative process of placing a commercial motor vehicle out of service if the driver is found to have any measurable or detectable alcohol in their system. This process can be carried out by any peace officer, even officers who are not certified to enforce federal regulations.

**This process only applies when the person is operating a commercial motor vehicle.**

Officers should be guided by the following information:

- If the driver is intoxicated/0.08 or greater → Process as normal DWI after reading the DIC-24 Statutory Warnings.

If Field Sobriety Tests indicate no intoxication but the officer believes the CMV driver has measurable or detectable alcohol in their system, the officer should read the [DIC-55](#) and request a specimen from the driver for analysis.

- If they provide a specimen, alcohol is present but less than .04 → Place the driver Out of Service for 24 hrs. using the [MCS-10](#) form. No further action.
- If they provide a specimen and BAC is .04 or more → Place the driver Out of Service for 24 Hrs. using the [MCS-10](#) form and submit a [DIC-54](#) form to the Department to initiate a 1 year CDL disqualification. Serve the driver with the [DIC-57](#) Notice of Suspension.
- If they refuse to provide a specimen → Place the driver Out of Service for 24 Hrs. using the [MCS-10](#) form and submit a [DIC-54](#) form to the Department to initiate a 1 year CDL disqualification. Serve the driver with the [DIC-57](#) Notice of Suspension.

If a CDL holder is not operating a commercial motor vehicle at the time he or she is arrested for Driving While Intoxicated, the DIC-55 does not have to be read to them. (see [DPS vs. Alford](#)).



## General Applicability of Most TRC Related Violations

### [542.001 – Vehicles on Highways](#)

This is a critical section to the application of the TRC. Provisions of Subtitle C **only apply** to vehicles being operated on the **highway**. This includes the moving violations in Chapter 545 and the equipment regulations in Chapter 547. Subtitle C spans TRC Chapters 541 to 600.

**Reference** [541.302\(5\)](#) – Definition of highway – *the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel*. This means everything from publicly maintained dirt county roads all the way to Interstates and freeways. Includes the entire right-of-way (fence line to fence line). Most of the offenses and regulation in the TRC only apply to vehicles being operated on the “highway”.

**Example:** A vehicle is backing out of parking space at the grocery store and strikes another vehicle in the parking lot. We cannot charge the driver with **Backed Without Safety** (545.415) because the offense did not take place on the “highway”. We can investigate the crash and we can show a factor of “Backed Without Safety” but we cannot write a citation.

**Note:** There are a few exceptions to this applicability because certain sections apply themselves to places other than a highway:

- Reckless Driving ([545.401](#))
- Use of Portable Wireless Communication Device on School Property ([545.4252](#))
- FSRA - Felony ([550.021](#))
- FSRA – Misdemeanor/Fail to Stop and Give Information ([550.022](#))
- Duty Upon Striking Unattended Vehicle ([550.024](#))
- Duty Upon Striking Structure/Fixture/Landscaping ([550.025](#))
- Fail to Maintain Financial Responsibility ([601.191](#))

Additionally, offenses in the Penal Code such as DWI can be committed in places other than the highway.

[Texas Education Code 37.102\(b\)](#) also states: *A law or ordinance regulating traffic on a public highway or street applies to the operation of a vehicle on school property, except as modified by this subchapter*. This allows traffic to be regulated on school property as if it were a highway.

## Owner/Employer Permit Illegal Operation (MC)

### [542.302 – Offense by Person Owning or Controlling Vehicle](#)

It is an offense for a vehicle owner to allow someone to drive their vehicle in a manner that violates subtitle C of the Transportation Code (Chapters 541-600). This is a similar offense to permitting an unlicensed person to drive in TRC [521.458](#), but much broader.

## Failed to Yield ROW Resulting in Collision Causing Bodily Injury (MC)

## Failed to Yield ROW Resulting in Collision Causing Serious Bodily Injury (MC)

### 542.4045 – Penalties for Failure to Yield Right-of-Way

This section describes higher fines for offenses involving the failure to yield ROW when the offense results in a crash that causes injuries.

**FYROW resulting in bodily injury** – fine \$500 - \$2,000.

**FYROW resulting in serious bodily injury** – fine \$1,000 - \$4,000.

“Bodily injury” and “serious bodily injury” are defined in PC 1.07.

**Bodily Injury** – *physical pain, illness, or any impairment of physical condition.*

**Serious Bodily Injury** – *bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.*

## Disobey Police Officer, School Crossing Guard and/or Escort Flagger (MC)

### 542.501 – Obedience Required to Police Officers, School Crossing Guards, and Escort Flaggers

The **lawful** order of a police officer, school crossing guard, or escort flagger must be obeyed. This section is essentially granting these individuals traffic direction abilities and should generally not be more broadly applied (see DPS Guidance below). This offense is a Class C Misdemeanor.

**DPS Guidance – DPS Legal Bulletin Issue #181, October/November 2014 – Limited Use of 542.501 –** *“Placement of the measure within the Transportation Code, statutory recognition of police officers’ responsibility to direct traffic, and recognition by the courts of the statute as a traffic control measure make clear that § 542.501 is specifically intended to be used for the direction of traffic; reliance upon it for orders not related to traffic control is not recommended.”* [link](#)

#### **Discussion:**

Some courts have more broadly interpreted this section to require obedience to any order issued by a police officer while conducting traffic enforcement duties (see [Hedtke v. State](#)). In this case, the court upheld the arrest of an individual who failed to comply with a police officer’s directions to stay inside her vehicle during a traffic stop. She was charged with disobeying the order of a police officer under [542.501](#). DPS acknowledges this court’s interpretation, however DPS personnel should be guided by the 2014 Legal Bulletin referenced above regarding when and how to enforce this section.

Officers encountering subjects who are non-compliant during the course of a traffic stop are encouraged to consider broader alternatives from the Penal Code if the elements of the offense can be articulated and de-escalation techniques are not effective:

[PC 38.15](#) – Interference with Public Duties (Class B Misdemeanor)

[PC 38.04](#) – Evading Arrest or Detention (Class A Misdemeanor) – if the subject attempts to leave the scene of the stop where they are lawfully detained or arrested.

## **Important Definitions**

### **Police Officer**

**Reference** [541.002\(4\)](#) – police officer – *an officer authorized to direct traffic or arrest persons who violate traffic regulations.*

### **School Crossing Guard**

**Reference** [541.001\(5\)](#) – school crossing guard – *a responsible person who is at least 18 years of age and is designated by a local authority to direct traffic in a school crossing zone for the protection of children going to or leaving a school.*

**Reference** [541.302\(13\)](#) – school crossing zone – *a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.*

**Note:** A school crossing guard is only authorized to direct traffic in a school crossing zone (definition above). This means the only time a school crossing guard is giving a lawful order that must be obeyed is when directing traffic in a school crossing zone to facilitate children crossing the road.

### **Escort Flagger**

**Reference** [623.008\(a\)\(2\)](#) – escort flagger – *a person who: (A)has successfully completed a training program in traffic direction as defined by the basic peace officer course curriculum established by the Texas Commission on Law Enforcement; and (B)in accordance with a permit issued by the department under this subtitle, operates an escort flag vehicle or directs and controls the flow of traffic using a hand signaling device or an automated flagger assistance device.*

**Note:** Escort flaggers have been given traffic direction authority in this section. This means they may block roads, stop/reroute traffic, and otherwise do what they need to do to facilitate the movement of an oversized load. They are NOT authorized emergency vehicles and may not engage in the activities described in TRC [546.001](#), however they do have the authority to direct traffic as needed. Escort flaggers should carry proof of the traffic direction training program they have completed.

## TRAFFIC SIGNS, SIGNALS, MARKINGS, AND OFFICIAL TRAFFIC CONTROL DEVICES

### [544.001 – Adoption of Sign Manual for State Highways](#)

This is the adoption of the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*. It is a traffic engineering manual that details information about many traffic control devices not specifically described in the TRC. The TMUTCD must be utilized and understood to take proper enforcement action regarding traffic control devices that are not detailed in the TRC. It can be downloaded from TXDOT's website:

Resource – [Texas Manual on Uniform Traffic Control Devices](#)

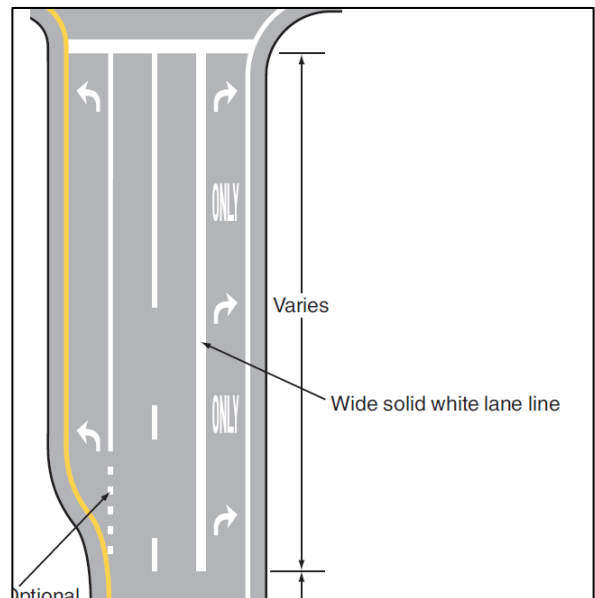
### How to Use the Texas Manual on Uniform Traffic Control Devices:

Can the black truck legally move across the solid white line into the lane to its left, or would this be a traffic violation?



The Transportation Code does not state whether or not crossing a solid white line like this is illegal.

The TMUTCD calls these lines “wide solid white lane lines” (diagram on the right).



The TMUTCD also describes the use of “wide solid white lane lines”:

<b>Standard:</b>
20 <b>Where crossing the lane line markings is discouraged, the lane line markings shall consist of a normal or wide solid white line.</b>
<b>Option:</b>
21 Where it is intended to discourage lane changing on the approach to an exit ramp, a wide solid white lane line may extend upstream from the theoretical gore or, for multi-lane exits, as shown in Drawing B of Figure 3B-10, for a distance that is determined by engineering judgment.
22 Where lane changes might cause conflicts, a wide or normal solid white lane line may extend upstream from an intersection.
23 In the case of a lane drop at an exit ramp or intersection, such a solid white line may replace a portion, but not all of the length of the wide dotted white lane line.
<b>Support:</b>
24 Section 3B.09 contains information about the lane line markings that are to be used for transition areas where the number of through lanes is reduced.
<b>Guidance:</b>
25 <i>On approaches to intersections, a solid white lane line marking should be used to separate a through lane from an added mandatory turn lane.</i>

The crossing of this line is discouraged, but not prohibited. These lines indicate it is preferable for vehicles to have selected their intended lane before getting too close to the intersection. As long as the black truck signals and changes lanes safely, there is no violation for crossing the solid white lane line.

### Disregard Official Traffic Control Device (MC)

#### 544.004 – Compliance with Traffic-Control Device

Drivers are required to comply with official traffic control devices. **Before taking enforcement action, officers should ensure that the device in question meets the definition of an official traffic control device and that the device is regulatory in nature** (has a specific obligation for compliance).

**Reference** [541.304](#) – official traffic control device - *a sign, signal, marking, or device that is: (A) consistent with this subtitle; (B) placed or erected by a public body or officer having jurisdiction; and (C) used to regulate, warn, or guide traffic.*

**Reference** [544.001](#) – [adoption of Texas Manual on Uniform Traffic Control Devices](#). If you are not sure whether or not a traffic control device is regulatory in nature, read about it in the TMUTCD.

If a traffic control device is not properly placed and sufficiently legible to an ordinarily observant person, it cannot be enforced.

**Examples:** A stop sign that has been knocked down or is covered by a tree or a lane line that is so faded it cannot be seen any more.



**Display/Place/Maintain Unauthorized Sign, Signal, Device (MC)**

**Obscuring/Interfering With Official Traffic Control Device/RR Sign (MC)**

**Flashing Light Sign Within 1000' Of Intersection (MC)**

#### 544.006 – Display of Unauthorized Signs, Signals, or Markings

**(a)(1)** – it is a violation to place, maintain, or display on or in view of a highway an unauthorized sign, signal marking, or device that imitates or resembles an official traffic control device or railroad sign or signal or that attempts to direct the movement of traffic. (**Display/Place/Maintain Unauthorized Sign, Signal, Device**)

**(a)(3)** – it is a violation to hide from view or hinder the effectiveness of an official traffic control device or railroad sign or signal. (**Obscuring/Interfering With Official Traffic Control Device/RR Sign**)

**(c)** – it is a violation to maintain a flashing light or flashing electric sign within 1,000 feet of an intersection except under a permit issued by the Texas Transportation Commission. (**Flashing Light Sign Within 1000' Of Intersection**)

**Fail To Yield ROW To Pedestrian-Green Arrow Signal (MC)**

**Fail To Yield ROW To Pedestrian Turning Right/Left At Intersection W/Green/Red (MC)**

**Fail to Yield ROW on Green Signal (MC)**

**Fail to Yield ROW on Green Arrow Signal (MC)**

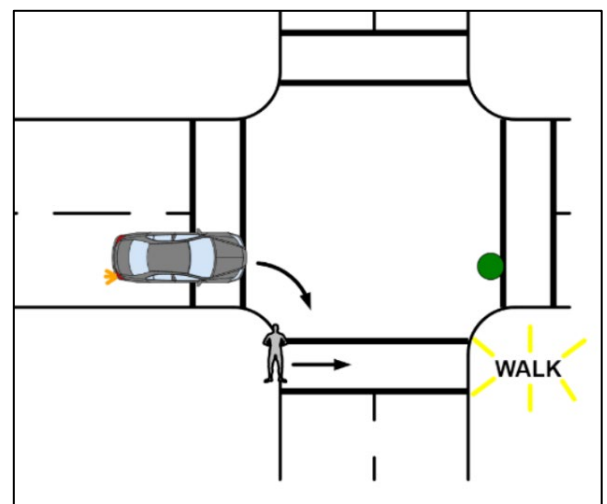
#### 544.007 – Traffic Control Signals in General

This section governs traffic control signals (red, yellow, and green lights).

Drivers have specific obligations depending on the color of signal they are facing:

**(b) circular green signal** – vehicle may proceed **after** yielding ROW to other vehicles and pedestrians lawfully in the intersection or adjacent crosswalk when the green signal is exhibited. If a pedestrian is lawfully using a crosswalk or someone is in the intersection trying to complete a turning or crossing movement, an operator facing a circular green signal is required to yield to them before proceeding.

**Note:** the pedestrian has the ROW in this diagram





(c) **green arrow** – vehicle may enter the intersection in the direction indicated, however must still yield ROW to other vehicles and pedestrians lawfully in the intersection or adjacent crosswalk when the green signal is exhibited.

**Fail to Yield ROW Turning on Red Signal (MC)**

**Disregard Red Light – Traffic Signal (MC)**

**Fail to Stop at Proper Place at Traffic Light (MC)**

**Fail to Stop At Proper Place – Not At Intersection (MC)**

#### 544.007 – Traffic Control Signals in General

This section governs traffic control signals (red, yellow, and green lights).

Drivers have specific obligations depending on the color of signal they are facing:

(d) **steady red signal** – vehicle must generally stop at one of two places:

- 1) a clearly marked stop line; or
- 2) in the absence of a clearly marked stop line, before entering the crosswalk.

After stopping, may turn right after yielding ROW. May also turn left after stopping if both roadways are one way.

What about a right turn on a **steady red arrow** after stopping? The TMUTCD states that movement in the direction of the steady red arrow is prohibited, however the TMUTCD also states that where a right turn on a red signal is prohibited, a “No Turn on Red” sign should be used. Based on current guidance from TXDOT, **an officer should not take enforcement action for a vehicle turning right on a red arrow (after stopping) unless there is a “No Turn on Red” sign posted.**



What if an intersection has two right turn only lanes? Can a vehicle turn right from either lane after stopping at the red light? Yes, unless a sign specifically prohibits that turning movement (TMUTCD, figure 2B-27).





**(g)** if a traffic control signal is placed in a location other than at an intersection and a clearly marked stop line is not provided, the stop for a red signal is required to be made at the signal.

**(i)** if a traffic control signal does not display an indication in any of the signal heads (i.e. the signal is not working due to power loss or some other problem), traffic is required to treat the signal as if it were a stop sign. The only exceptions are for pedestrian hybrid beacons and freeway entrance ramp control signals.



**Pedestrian hybrid beacon** – no stop required if no signal is displayed.

**Freeway entrance ramp control signal** – no stop required if no signal is displayed.



**Disregard Flashing Red Signal At Stop Sign (MC)**

**Fail To Stop At Proper Place-Flashing Red Signal (MC)**

### 544.008 – Flashing Signals

Vehicles approaching a flashing red signal must stop at one of three places:

- (1)** Clearly marked stop line – if one exists, this is where the stop must be made.
- (2)** Before entering a crosswalk (if a stop line does not exist).
- (3)** At a place nearest the intersecting roadway where the driver can see (if there is no stop line or crosswalk).

After stopping, the vehicle may proceed subject to the rules of right-of-way applicable to stopping at a stop sign.

## Disregard Lane Control Signal (MC)

### [544.009 – Lane-Direction-Control Signals](#)

It is illegal to travel in or merge into a lane with a red signal displayed in a lane-direction-control signal. These signs are used to warn traffic of lane closures on controlled access highways and also to contra-flow traffic in areas of temporary congestion (i.e. around stadiums after sporting events).

It is a violation to drive in a lane with a red X displayed over the lane:



## Fail To Stop At Designated Point At Stop Sign (MC)

## Fail To Stop At Designated Point At Yield Sign (MC)

### [544.010 – Stop Signals and Yield Signs](#)

Traffic is required to stop at one of three specific locations for stop signs (or for yield signs, but only when necessary to comply with the obligation to yield):

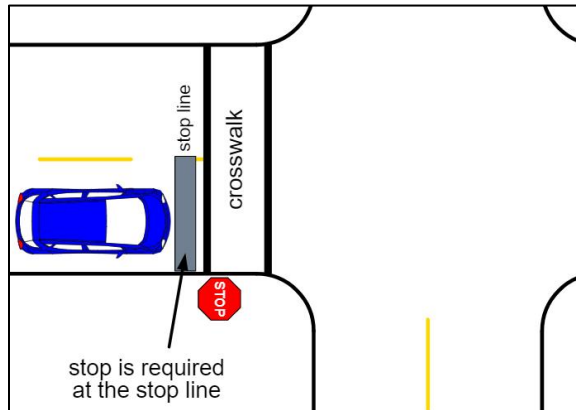
- (1) At a clearly marked stop line
- (2) Before entering the crosswalk (if a stop line is not present)
- (3) At a place nearest the intersecting roadway the driver can see (if neither a stop line nor a crosswalk is present).

The TMUTCD clarifies where a stop should be made in relation to a stop line: *Stop lines should be used to indicate the point behind which vehicles are required to stop.* (TMUTCD Sec. 3B.16.01) A violation for failing to stop at the designated point occurs when a vehicle stops with any part of the vehicle beyond a clearly marked stop line.

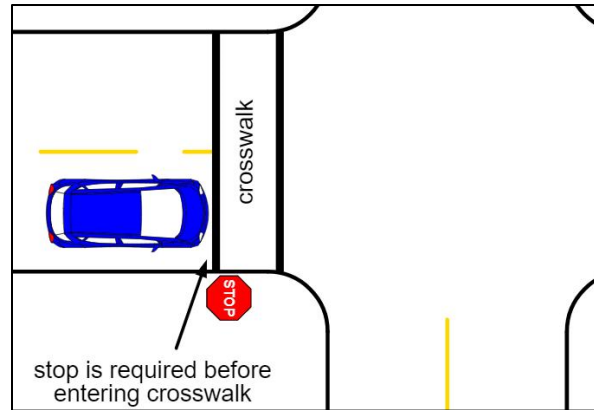
**Note:** There is NEVER a requirement to make the stop “at the stop sign”. If there is no stop line or crosswalk, the vehicle may drive past the stop sign and stop at the place nearest the intersection where the operator can see the approaching traffic.

**Reference** [545.153](#) - Fail to Yield ROW at Stop or Yield Intersection

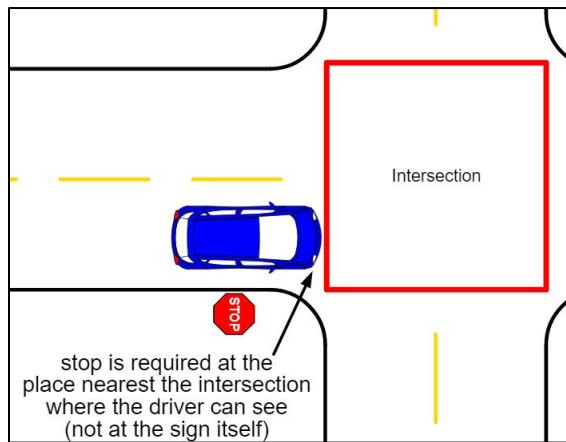
When stop line is present:



When stop line is not present, but there is a crosswalk:



When there is no stop line or crosswalk:



### Drive In Left Lane When Not Passing Or Where Prohibited (MC)

#### 544.011 – Lane Use Signs

This section requires specific language for these signs – “Left Lane for Passing Only”.

Signs that read "Slower Traffic Keep Right" are more subjective and difficult to enforce because there must be other traffic around traveling faster before the sign has been disregarded.

TXDOT generally places “Left Lane for Passing Only” signs near speed limit signs so that they are placed at regular intervals .



R4-2aT

**Signs must be in place to enforce “Left Lane for Passing Only”.**

**Case Law - [Abney vs. State, Court of Criminal Appeals, 394 S.W.3d 542](#)** – examined “Left Lane for Passing Only” sign placement. Held that a vehicle traveling in the left lane approximately 15 miles past the “Left Lane for Passing Only Sign” should not be stopped. Stated there was no “bright line” rule for how frequently regulatory signs were placed, however the court determined it was important to establish how frequently signs were placed and whether or not the violator drove past a sign within a reasonable proximity to where an officer is alleging a violation.

## TRC CHAPTER 545 – OPERATION AND MOVEMENT OF VEHICLES

### ROADWAY POSITION, LANE USE, AND PASSING

#### Wrong Side Road – Not Passing (MC)

#### Wrong Side, Four Or More Lane, Two-Way Roadway (MC)

#### Slower Vehicle Fail To Keep To Right (MC)

##### 545.051 - Driving on Right Side of Roadway

This establishes the general flow of traffic in Texas. Traffic is required to travel on the right half of the roadway unless:

- 1) passing another vehicle
- 2) safely going around an obstruction
- 3) traveling on a roadway divided into three marked lanes, or
- 4) traveling on a one-way roadway

Traveling on the left side of the roadway outside of these situations constitutes a violation for **Wrong Side Road – Not Passing**.

Slower traffic is required to keep in the right-hand lane in preference to faster moving vehicles (offense – **Slower Vehicle Fail to Keep Right**). In order for this offense to take place, there must be other traffic on the highway traveling faster. There are no requirements for signs to be posted in order to enforce this violation.

**THP Guidance:** The offense of “Slower Traffic Failed to Keep Right” should not be used to keep traffic out of any lane except for the left lane on a roadway with three or more lanes traveling in one direction. (Reference Traffic Enforcement Guidance training course, 2019-2021 THP In-Service training cycle)

Operators may only drive left of the center line of a two-way roadway with 4 or more lanes in one of the following circumstances:

- 1) if authorized to do so by law (i.e. a center left turn only lane, reversible lanes, etc.)
- 2) to safely go around an obstruction, or
- 3) while turning left

#### Fail To Give One-Half Of Roadway Meeting Oncoming Vehicle (MC)

##### 545.052 - Driving Past Vehicle Moving in Opposite Direction

This section is most applicable on an unlaned roadway. There are no lane lines or centerline markings, however when meeting another vehicle operators must yield ½ of the roadway to traffic moving in the opposite direction.

If yielding ½ of the roadway is not possible due to roadway conditions or vehicle size, the vehicle must yield “as much of the roadway as possible.”

**Fail To Pass To Left Safely (MC)**

**Cut In After Passing (MC)**

**Fail To Give Way When Overtaken (MC)**

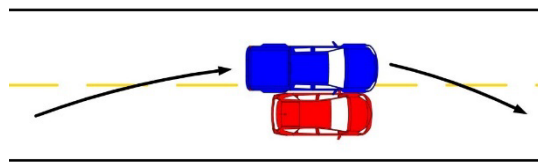
**Increase Speed While Being Overtaken (MC)**

**545.053 - Passing to the Left; Return; Being Passed**

(a) Describes the requirements for the passing vehicle – must pass to the left at a “safe distance” and may not move back to the right until safely clear of the passed vehicle. Arrest titles from this subsection are **Failed to Pass to the Left Safely** and **Cut in After Pass**.

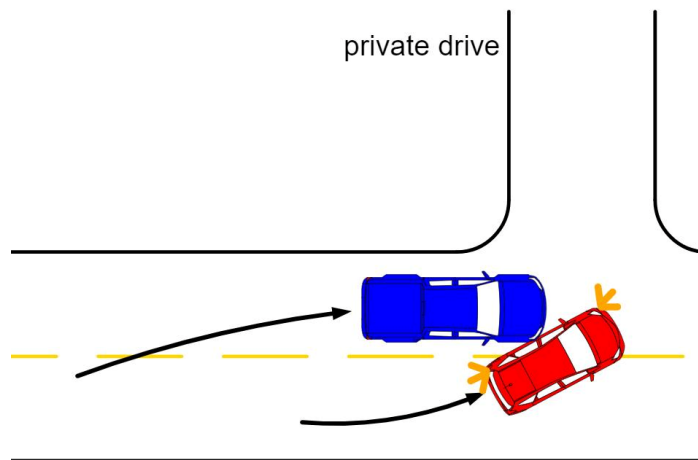
(b) Operators of vehicles being passed must, on audible signal, stay to the right and are not permitted to accelerate until passed. “Audible signal” is old language in the TRC and is not defined, however this signal must be present in order for an offense to take place by the passed vehicle. Arrest titles from this subsection are **Fail to Give Way When Overtaken** and **Increase Speed While Being Overtaken**.

**Note:** an “audible signal” must be given by the passing vehicle for these charges to be filed against the passed vehicle. This is old language in the law and it is uncommon for a passing vehicle to give an audible signal.



**Failed to Pass to Left Safely** – the blue pickup did not pass the red car at a safe distance and sideswiped the car.

Timing is extremely important in a crash like this. In this scenario, the red vehicle has signaled an intent to turn left and is in the process of making this turn when the blue pickup attempts to pass. If the turn is initiated before the pass, the contributing factor is likely **Failed to Pass to Left Safely**. If the pass is taking place prior to the turn, the factor may be **Turned When Unsafe** on the red vehicle. Utilize witness accounts, damage areas/direction of force, and any other available resources to determine the timing of the crash events. For additional discussion, see [Turned When Unsafe](#).



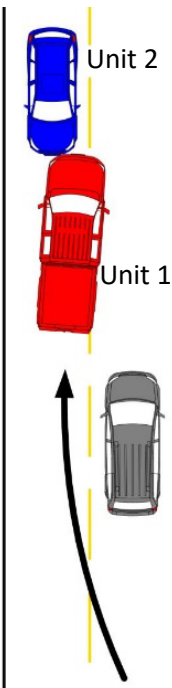
**Is it legal to pass more than one vehicle at a time without returning to the right side of the road?**

Yes. The law never requires a vehicle to return to the right side of the road between each vehicle passed. As long as the vehicle remains in a legal passing zone and passes each vehicle at a safe distance, there is no violation for passing multiple vehicles before returning to the right side of the road.

**Pass - Insufficient Clearance (MC)**

**545.054 - Passing to the Left; Safe Distance**

Passing to the left is only permitted in legal passing zones and only when it can be done safely. The passing vehicle may not interfere with the operation of the passed vehicle or oncoming traffic and must move back to the right before coming within 200' of oncoming vehicles.

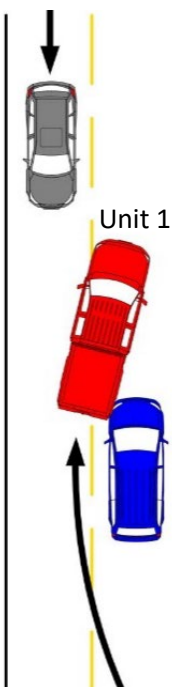


The red truck is passing the minivan. It does not have sufficient clearance and strikes the blue SUV head-on.

The contributing factor is **53 – Overtake and Pass Insufficient Clearance**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	53	

**Note:** if the blue SUV swerves off the roadway and crashes to avoid the red truck, this factor would still apply to the red truck. The truck would be shown as a non-contact unit with factor 53 contributing.



The red truck is passing the blue minivan. It does not have sufficient clearance due to the oncoming vehicle, so the driver swerves back to the right and strikes the blue minivan.

The contributing factor is **53 – Overtake and Pass Insufficient Clearance**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	53	

Enforcement action can be taken for **Pass – Insufficient Clearance, Failed to Pass To Left Safely, or Cut in After Pass**.



**Disregard No Passing Zone (Sign Or Markings) (MC)**

**Drive on Wrong Side Road – No Passing Zone (MC)**

**545.055 - Passing to the Left; Passing Zones**

This section is the first of five times a vehicle is not permitted to be left of the center of the roadway (the other four times are described in [545.056](#), see next section).

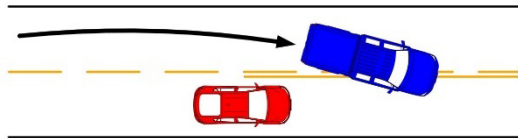
This section refers to a “sign or marking” that prohibits being left of center. This is a **solid yellow line**, also frequently called a “no passing zone”. It may also be marked by signs (pictured right).



Unless a vehicle is making a left turn at an intersection or into a private drive or alley, traveling left of the no passing zone marking is prohibited.

**Enforcement Example:**

**What if a pass began in a legal passing zone but ends in a no passing zone?**



Although the blue truck began its pass legally, if the vehicle is still left of the center of the roadway when it reaches the no passing zone it is in violation of the law.

**Drive On Wrong Side Road Approaching or Traversing Intersection (MC)**

**Drive On Wrong Side Road Approaching or Traversing RR Grade Crossing (MC)**

**Drive On Wrong Side Road Approaching or Traversing Bridge/Viaduct/Tunnel (MC)**

**Drive On Wrong Side Road Awaiting Access To Ferry (MC)**

**545.056 - Driving to Left of Center**

A vehicle is not permitted to drive on the left side of the roadway in a no passing zone, as stated in [545.055](#) (previous section in this document). This section provides **four additional times/locations where it is illegal to drive on the left side of the roadway**. These restrictions do not apply when a vehicle is traveling on a one-way roadway or making a left turn.

A vehicle may not drive on the left side of the roadway:

- 1) When within 100 feet of an intersection or RR grade crossing in a municipality** (in city limits)
- 2) When within 100 feet of an intersection or RR grade crossing outside a municipality when marked according to [545.055](#) (no passing zone).** NOTE: The term “shown by a sign or marking” is not referring to a road name sign or other marking. This is a specific reference to a No Passing Zone sign or marking.
- 3) When within 100 feet of a bridge, viaduct or tunnel** (even if the bridge, viaduct, or tunnel is marked as a passing zone). See next page for “What is a bridge?”
- 4) While awaiting access at a ferry crossing.**

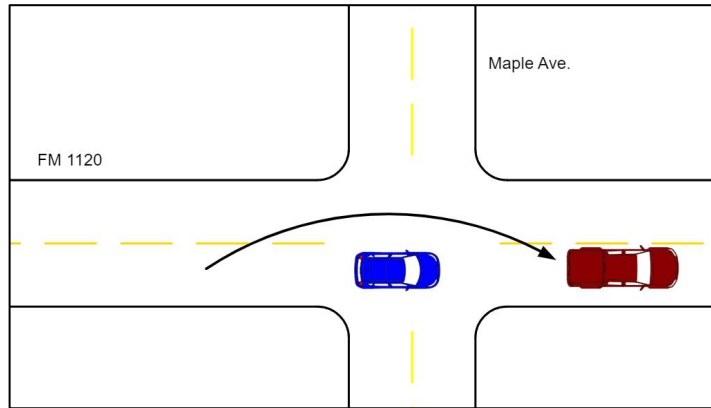


**Enforcement Example:**

Is this a legal pass?

**It depends.**

If this location is in a municipality (in city limits) the pass is **illegal** because the red vehicle was on the left side of the roadway within 100' of an intersection ([545.056\(a\)\(1\)](#)).



If this location is not in a municipality, the pass is **legal** because the roadway is not striped or marked with signs according to 545.055 (no passing zone).

**Enforcement Example:**

The bridge to the right is marked as a passing zone. Can a vehicle drive on the left side of this roadway to pass another vehicle?

No. Although the pavement striping shows a passing zone, it is illegal to pass here because the vehicle would be traveling on the left side of the roadway within 100' of a bridge, viaduct, or tunnel. (**Drive on Wrong Side Road – Bridge, Viaduct or Tunnel**)



**What is a bridge?**

The TRC does not provide a specific definition for “bridge” for the purposes of 545.056. The Texas Department of Transportation, however, does define “bridge” as the agency responsible for building and maintaining roadways.

The TXDOT Bridge Project Development Manual states that TXDOT uses the federally recognized definition of “bridge” from federal regulations:

***TxDOT operates under the definition of “bridge” as provided in [Title 23, Code of Federal Regulations \(CFR\), Section 650.403\(a\)](#). The CFR definition of a bridge is:***

***“... a structure including supports erected over a depression or an obstruction, such as water, highway or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.”***

Based on this definition, consider this photo - whether or not the structure is considered a bridge would fall under the “more than 20 feet between undercopings of abutments... or extreme ends of openings for multiple boxes” part of the bridge definition. To make a final determination, you’d need to measure the openings beneath the structure. If they are more than 20 feet, the structure meets the definition of “bridge”.



TXDOT’s Bridge Project Development Manual can be viewed [here](#).

Based on the ID number in the bridge pictured above (stenciled on the right side), it appears TXDOT does consider this to be a bridge. It appears on their Bridge database map : [https://gis-txdot.opendata.arcgis.com/datasets/83af0d2957ca4c2eb340e4bd04a1046f\\_0/explore?filters=eyJCUkRH X0IEIjplbjlyMjQwMDAwODYwNDxOSJdfQ%3D%3D&location=27.398013%2C-98.806840%2C20.13](https://gis-txdot.opendata.arcgis.com/datasets/83af0d2957ca4c2eb340e4bd04a1046f_0/explore?filters=eyJCUkRH X0IEIjplbjlyMjQwMDAwODYwNDxOSJdfQ%3D%3D&location=27.398013%2C-98.806840%2C20.13)

**Fail To Pass To Right Safely (MC)**

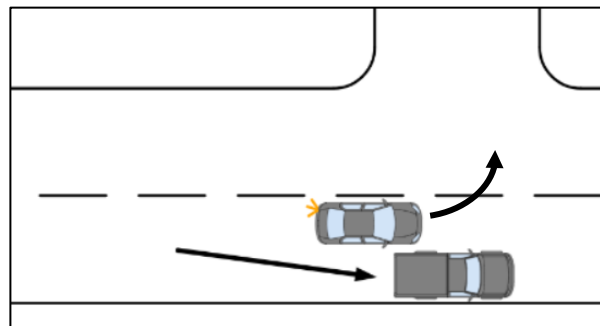
**Illegal Pass On Right (MC)**

**545.057 - Passing to the Right**

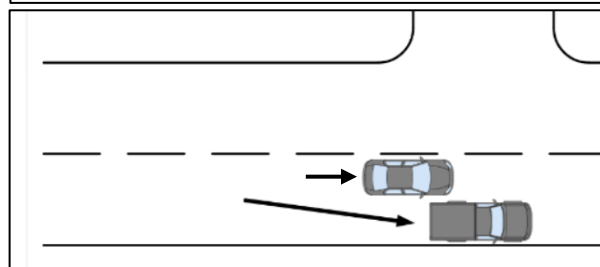
This section addresses passing on the right when the passing vehicle is not utilizing an improved shoulder – passing on the improved (paved) shoulder is governed by [545.058](#) (see next section). Passing on the right is only permitted when it can be done safely, the vehicle being passed is making a left turn, and the operator of the passing vehicle has unobstructed pavement to the right of the passed vehicle on which to travel. Passing to the right is never permitted if the passing vehicle leaves pavement. Passing to the right on the improved shoulder is only permitted under [circumstances](#) described in [545.058](#).

**Enforcement Examples:**

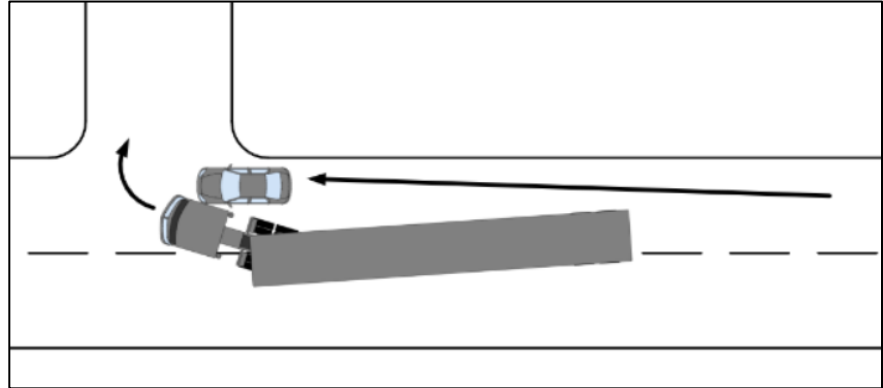
This is a legal pass on the right because the passed vehicle was making a left turn and the passing vehicle did not leave pavement.



This is an **illegal** pass on the right because the passed vehicle was not making a left turn.



This is an **illegal** pass on the right because the passed vehicle was not making a left turn.



**Note:** If the TTST completely vacated the right lane and the passenger car was driving by on the right in its own lane, this would be an unsafe turn on the TTST. When working a crash like this, it is very important to establish whether or not the TTST vacated the right lane or not.

### Drive On Improved Shoulder When Prohibited (MC)

#### [545.058 - Driving on Improved Shoulder](#)

Reference [541.302\(6\)](#) – Definition of improved shoulder (a paved shoulder)

Driving on the improved shoulder to the right of the roadway is **only** permitted if it is done safely and when necessary to accomplish one of the following seven exceptions:

- (1) To stop, stand or park.
- (2) To accelerate before entering the main traveled traffic lane.
- (3) To decelerate before making a right turn.
- (4) To pass another vehicle that is slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn. (**Note:** there are three separate circumstances described here – passing a vehicle that is slowing or stopped, passing vehicle that is disabled, and passing a vehicle that is preparing to make a left turn).
- (5) To allow another vehicle traveling faster to pass.
- (6) As permitted or required by an official traffic control device.
- (7) To avoid a collision.

Driving on the improved shoulder to the left of the roadway is only permitted in one of the following three times:

- (1) To slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement to the right shoulder.
- (2) As permitted or required by an official traffic control device
- (3) To avoid a collision

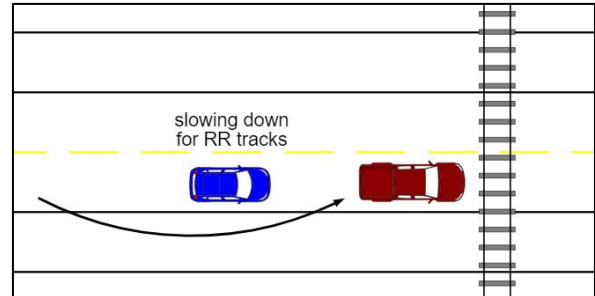
The prohibitions on driving on the improved shoulder do not apply to:

- (1) authorized emergency vehicles responding to calls
- (2) police patrols
- (3) bicycles
- (4) slow moving vehicles as defined by [547.001](#) (vehicle designed for maximum speed of 25 MPH or vehicle pulled by an animal).

**Case Law - [Lothrop v. State, Texas Court of Criminal Appeals, PD-1489-11](#):** (a)(4) “To pass another vehicle that is slowing or stopped” was very broadly interpreted. Also discussed the “when necessary” language in (a) and concluded that it meant “when necessary” to accomplish one of the exceptions.

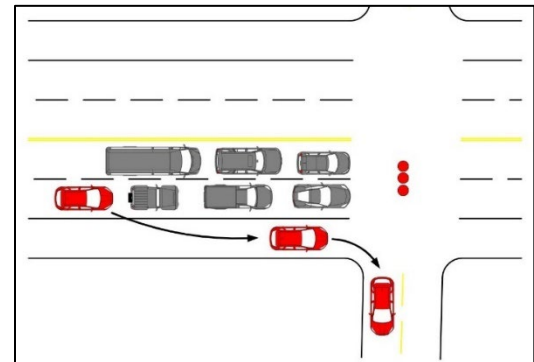
**Lothrop v. State:**

The red truck’s pass on the right improved shoulder was not illegal because it was passing a vehicle that was “slowing” on the main traveled portion of the roadway and the pass was covered under 545.058(a)(4).

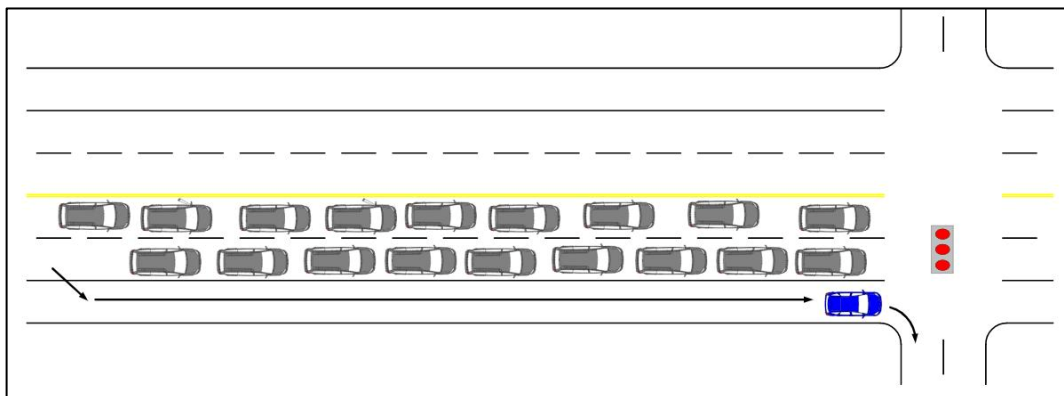


**Is this a violation for driving/passing on the improved shoulder?**

No, this movement is generally covered under exception (a)(3) assuming the vehicle is decelerating to turn. **But remember, the movement must be made safely** – so if the red vehicle is traveling at a high speed or otherwise completing this movement in a manner the officer can articulate is “unsafe”, a violation could still exist.

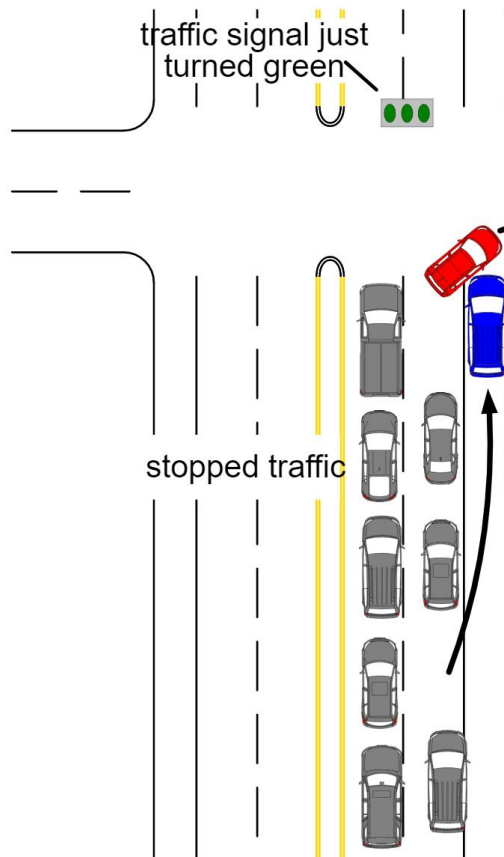


**Is this a violation for driving on the improved shoulder?**



Yes. This vehicle drives on the improved shoulder for an extended period to reach the intersection. It is not covered by exception (a)(3) if this much distance is not necessary to decelerate prior to turning. The driver may argue that he is covered by (a)(4) because he is “passing” vehicles that are stopped in the main lanes, however this driver never intended to return to the main lanes. He is driving “past” other vehicles, but he does not meet the definition of “passing” ([545.001](#)) because he is never going to return to the lane they are in. In this circumstance, the driver is not covered by any of the seven exceptions and a violation exists.

### Drove on Improved Shoulder Crash Scenario/Discussion:



The red car is sitting at a red light and begins making a right turn from the main lane when the light turns green.

The blue car is approaching on the improved shoulder as it also prepares to turn right at the intersection. The blue car is legally permitted to use the improved shoulder to decelerate as it prepares to turn left ([545.058\(a\)\(3\)](#)) as long as the movement is made safely.

Absent a crash, both vehicles are making legal movements, therefore the contributing factor can be difficult to determine.

The blue vehicle has left the roadway and is traveling on the improved shoulder under [545.058](#), a section that requires that the operation be carried out safely. The blue vehicle is also attempting to re-enter the roadway as it reaches the intersection and turns right. If it strikes a vehicle that is already lawfully using the roadway, it has essentially violated the other

vehicle's right-of-way (defined in [541.401](#)). The best contributing factor for a crash that occurs in this manner is **22 – Failed to Control Speed** on the blue vehicle.

The investigator should use witness statements, driver statements, damage location and direction of force, tire marks, and any other available physical evidence to determine the timing of the crash, however the primary responsibility for mitigating the crash falls on the operator of the blue vehicle unless there are unusual mitigating circumstances.

**Drive Wrong Way On One-Way Roadway (MC)**

**Drive To Left Of Rotary Traffic Island (MC)**

545.059 - One-Way Roadways and Rotary Traffic Island



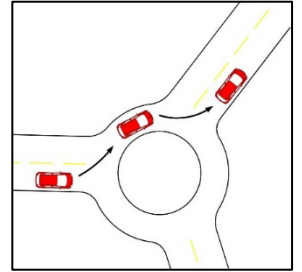
R6-2

One-way roadways are designated by signs and markings. It is a violation to drive the wrong way on a one-way roadway.



R6-5P

The direction of traffic flow around a rotary traffic island (roundabout) is to the right. The vehicle in this diagram is committing the violation of **Drive to Left of Rotary Traffic Island**.



**Fail To Drive in Single Lane (MC)**

**Change Lanes When Unsafe (MC)**

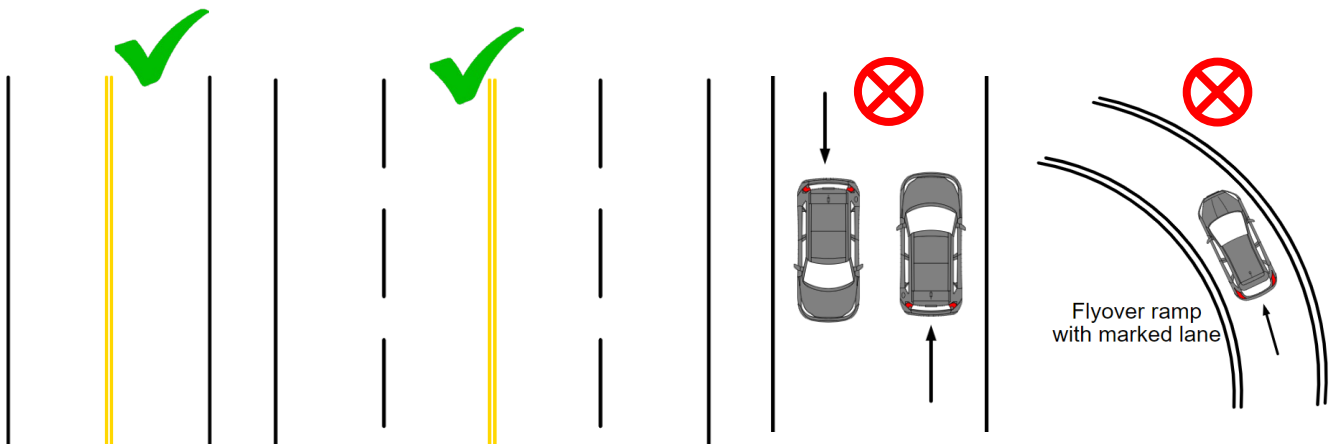
545.060 - Driving on Roadway Laned for Traffic

These offenses can only be committed on a “roadway divided into two or more clearly marked lanes for traffic”.

**Fail to Drive in Single Lane** can be committed on a roadway such as this because there are “two or more” clearly marked lanes. There is no requirement for the lanes to be moving in the same direction.



Two or more clearly marked lanes? Can this offense occur on these roadways?



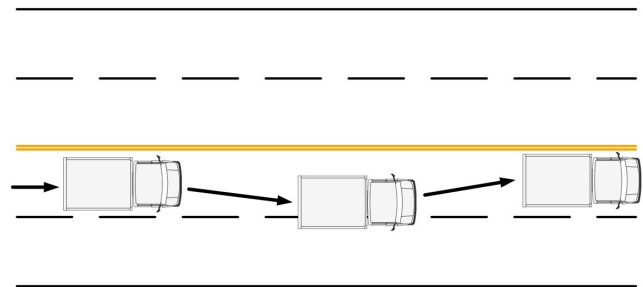


- (a) An operator on a roadway divided into two or more clearly marked lanes for traffic:
- (1) shall drive as nearly as practical entirely within a single lane; and
  - (2) may not move from the lane unless that movement can be made safely.

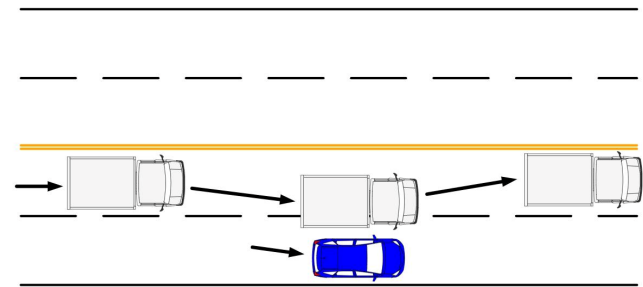
For many years, there were numerous court opinions regarding this violation, many in conflict with one another. In November 2022, the Court of Criminal Appeals issued a binding opinion that settled the issue:

**Case Law** – [Hardin v. State](#), Court of Criminal Appeals - Per the CCA, **merely leaving a lane momentarily should not be considered to be a “failed to drive in a single lane” offense unless the movement is made in an unsafe manner.** In the Hardin case, an officer stopped a vehicle after observing its right side tires momentarily cross over a lane line into the adjacent lane before returning to the original lane. There was no evidence that this movement was made in an unsafe manner. The CCA closely examined the manner in which 545.060(a) is constructed and concluded that the use of “and” between (a)(1) and (a)(2) essentially binds the two provisions together and therefore both must be violated before an offense of this section exists.

**Hardin v. State, Court of Criminal Appeals** – no violation because the lane departure was not “unsafe”.

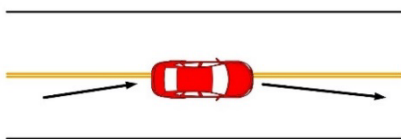


**Hardin v. State, Court of Criminal Appeals** – this would be a violation because the lane departure was unsafe – the truck almost struck another vehicle.



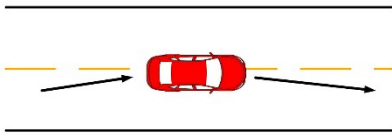
**Can a vehicle ever be stopped for weaving out of its lane if the movement is not “unsafe”?**

**Yes.** The Hardin CCA opinion is specific to a violation of 545.060. Numerous other violations dealing with roadway position do not have an “unsafe” requirement attached in the law.

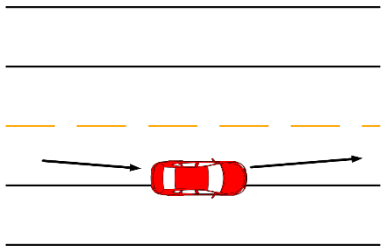


If a vehicle crosses over on to the wrong side of the road in a no passing zone and returns, enforce [Drive on Wrong Side of Road – No Passing Zone](#) under [545.055](#).

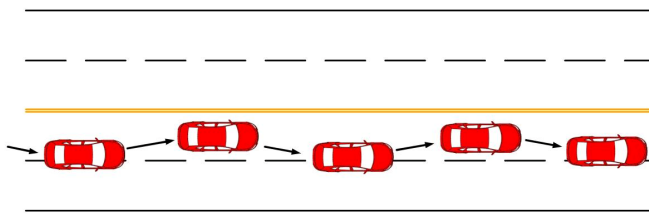




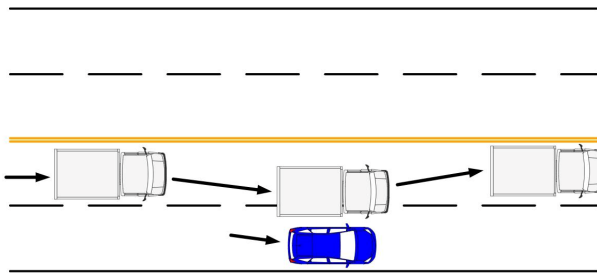
If a vehicle crosses over on to the wrong side of the road in a passing zone and returns, enforce [Wrong Side Road – Not Passing](#) under [545.051](#).



If a vehicle crosses the fog line onto the improved shoulder and it's not for one of the 7 reasons described in 545.058, enforce [Drove on Improved Shoulder When Prohibited](#) under [545.058](#).



If you have observed driving behavior that you believe constitutes reasonable suspicion that the driver is intoxicated, conduct a stop for reasonable suspicion of Driving While Intoxicated. **Note:** Be prepared to articulate the totality of the circumstances that led you to this suspicion – driving behavior, time of day, driver's demeanor if you can see him, etc. can all factor into reasonable suspicion of intoxication.



If a vehicle crosses over a lane line and the movement is unsafe due to the presence of other vehicles, enforce **Fail to Drive in a Single Lane** as normal.

If you believe an individual is texting while driving, and reasonable suspicion exists to support that belief, conduct the stop for reasonable suspicion of **Use of a Wireless Communication Device**.

**When has a vehicle actually left its lane?** **Case law - [Cortez v. State \(PD-0228-17\)](#)** - examined what exactly constitutes leaving a lane, and the Court of Criminal Appeals held that a vehicle must cross over the lane line/fog line before it is considered to have left the lane. Merely weaving within a lane or driving on top of the line does not constitute leaving the lane.

**What if a driver strikes or drives over a curb?**

If a driver drives over a curb, the courts are supportive of articulating reasonable suspicion of an offense of [TRC 545.063](#), Driving Over/Across a Physical Barrier Designed to Impede Vehicular Traffic (see [Hadley v. State, 223 S.W.3d 421](#)).

If a driver simply rubs up against or strikes a curb without going over the curb the situation becomes more nuanced. Courts have generally held that a vehicle striking a curb can contribute significantly to reasonable suspicion of an intoxicated driver, however the officer should be able to articulate facts beyond just a curb strike. Time of day, location, other driving behavior, and an officer's training and experience should also be considered prior to stopping such a vehicle for reasonable suspicion of DWI (see [Martinez v. State, 01-20-00760-CR](#)).

### **What if a driver fell asleep and ran off the road? Can someone who was asleep at the time of the offense still be charged with Fail to Drive in Single Lane?**

The question often arises as to whether or not Transportation Code charges can be filed against a driver who was asleep at the time of the crash. Can police officers file charges against someone if they were not consciously aware of what they were doing when the violation took place? Being fatigued or asleep is not a specific exemption or defense to prosecution for TRC offenses. In most circumstances, the offenses described in the Transportation Code are considered to be "strict liability" offenses, meaning a specific culpable mental state is not required (supporting document - [Texas Attorney General Opinion JC0451](#)).

A police officer out on patrol can file speeding charges against a person who did not realize they were exceeding the speed limit. A police officer can file charges against a driver for disregarding a stop sign even if the driver never saw the stop sign and "accidentally" ran it.

Likewise, a driver who is asleep when they fail to drive in a single lane can still be considered to have committed a violation. There is not an "intentionally/knowingly/recklessly/criminally negligent" culpable mental state attached. [TRC 542.301](#) specifically states "a person commits an offense if the person performs an act prohibited or fails to perform an act required by this subtitle." This section makes no mention of a culpable mental state.

**Resource – DPS Legal Bulletin (July 2002, Issue 88), Community Caretaker** – this Legal bulletin discusses the process of stopping a vehicle that has not committed a traffic violation due to an officer's concern that the driver or others may be in danger (i.e. a vehicle swerving back and forth but not necessarily leaving its lane). A stop can be made to check on the driver under the Community Caretaker doctrine, but only if an officer can articulate a number of factors as described by the Texas Court of Criminal Appeals in Wright v. Texas and Corbin v. Texas decisions.

#### **These court cases essentially set up a four-part test for a Community Caretaker stop:**

- 1) What is the level of distress exhibited?
- 2) Is the individual in a location that is isolated where help is not readily available?
- 3) Is the individual alone, or are they with other people who could render assistance if needed?
- 4) What is the extent to which the individual presents a danger to himself or others if not assisted?

Community Caretaker stops are subject to significant scrutiny and should be avoided unless strong evidence exists indicating the need to intervene.

**Drive In Center Lane, Two Way - Three Lanes, Not Passing/Not Making Left Turn (MC)**

**Drive in Two-Way Left Turn Lane – Not Turning Left (MC)**

**545.060 - Driving on Roadway Laned for Traffic**

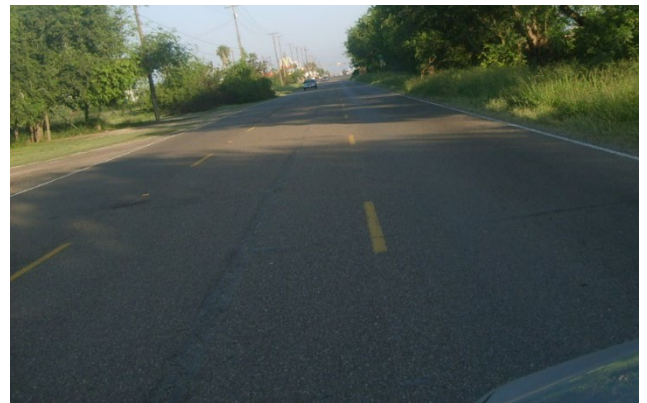
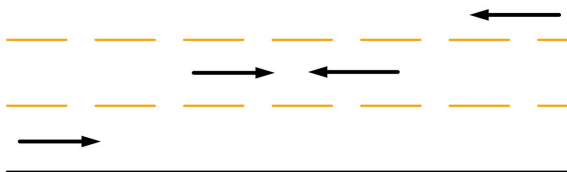
(b) If a roadway is divided into three lanes and provides for two-way movement of traffic, an operator on the roadway may not drive in the center lane except when doing certain things:

- (1) if passing another vehicle and the center lane is clear of traffic within a safe distance
- (2) in preparing to make a left turn; or
- (3) where the center lane is designated by an official traffic-control device for movement in the direction in which the operator is moving.

This section describes several different roadway configurations and circumstances in which a person may drive in a center lane.

If a roadway has a center lane marked with **only** a single dashed yellow line on each side (see picture on the right), the center lane may be used for **passing another vehicle or turning left**.

Driving in this center lane for any other reason is a violation (**Drive In Center Lane, Three Way-Two Lane, Not Passing/Not Making Left Turn**).

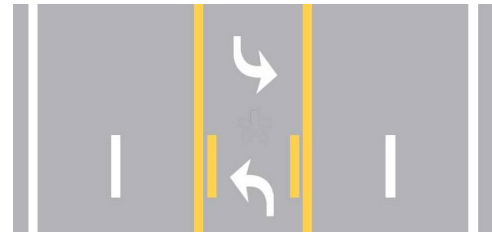


If a roadway has a center lane with traffic-control devices designating movement in a specific direction (see picture on the right), the center lane may be used only by traffic moving in the direction indicated by the traffic control device.

Driving in this center lane against the direction indicated by the traffic control device is a violation (**Disregard Lane Control Signal or Disregard Official Traffic Control Device**).



If a roadway has a center lane marked with turn only signs or markings and a **solid yellow and dashed yellow line** on each side (see picture on the right), the center lane may be used **only for making a left turn**. This lane is called a two-way left turn only lane and passing in this lane is prohibited by the solid yellow lines.



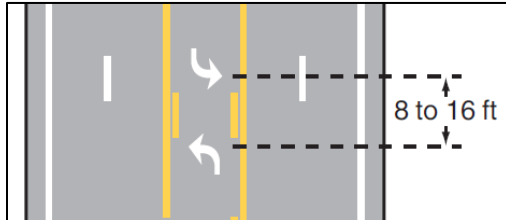
Driving in this center lane for any reason aside from turning left is a violation (**Drive in Two-Way Left Turn Only Lane – Not Turning Left**).

This arrest title is also the most appropriate violation if a vehicle uses the left turn only lane to pass another vehicle. [See Examples](#)

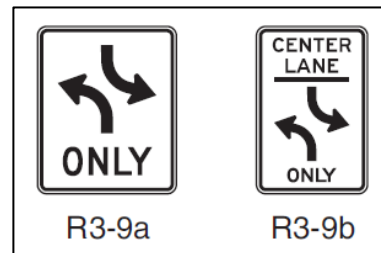
**Note:** There is no specific guidance in the TMUTCD or in case law/statute regarding how long a person may drive in a two-way left turn only lane prior to making a left turn. Officers should use common sense considering the traffic conditions, number of available left turn locations, and amount of time in this lane prior to turning when determining whether a violation has occurred.

**Two-Way Left Turn Lanes:**

**Section 3B.03 of the Texas Manual on Uniform Traffic Control Devices** describes a Two-Way Left Turn Lane: *If a two-way left-turn lane that is never operated as a reversible lane is used, the lane line pavement markings on each side of the two-way left-turn lane shall consist of a normal broken yellow line and a normal solid yellow line to delineate the edges of a lane that can be used by traffic in either direction as part of a left-turn maneuver.*



TMUTCD Figure 3B-7



TMUTCD Figure 2B-6 – TWLTL signs

This lane is intended for use only by vehicles preparing to make a left turn. It can be traversed by vehicles crossing the roadway, however vehicles traveling in this lane should be in the process of making a left turn.

**Two-Way Left Turn Lane Enforcement Examples:**

**No Violation**

The vehicle enters the TWLTL as it prepares to make a left turn. There is no specific statute or case law that describes how long a vehicle may travel in this lane prior to turning left. Officers are encouraged to use common sense when making enforcement decisions. This lane is intended to allow a vehicle to decelerate and stop to yield (if necessary) to oncoming traffic without interfering with traffic flow in the main lane.

**No Violation**

Although the red vehicle is driving past other traffic, it is not attempting to overtake and pass the other vehicles. It is incidentally driving past them as it decelerates and prepares for its left turn and does not meet the definition of “passing” in [545.001](#).

**Violation – Drove in Two-Way Left Turn Lane – Not Turning Left**

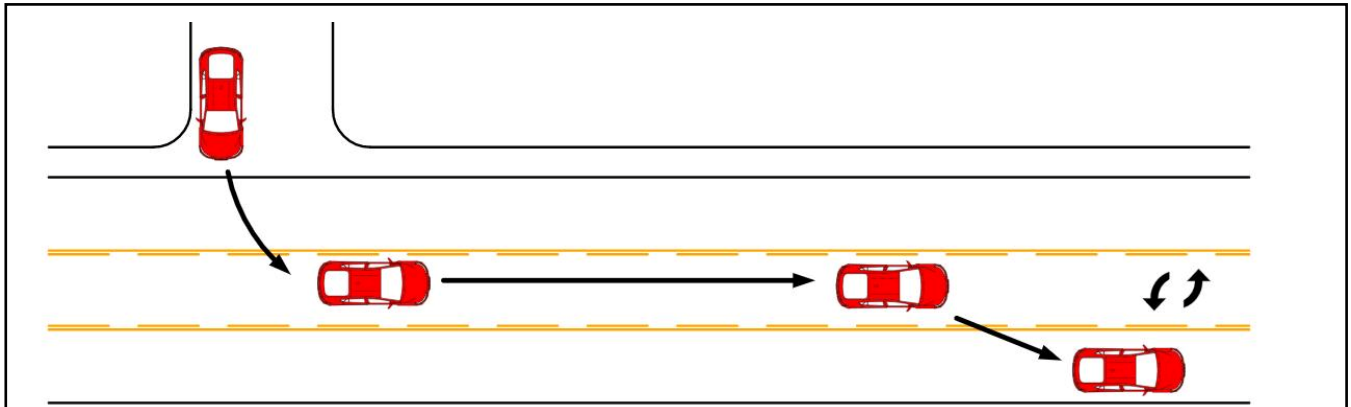
Although the driver of the red vehicle is eventually planning to turn left, when it enters the TWLTL it is not near the location of the intended turn. This vehicle is utilizing the TWLTL to drive past other traffic to reach a location it will eventually begin a left turn maneuver.

There is not a specific statute or case law describing how long the vehicle may drive in the TWLTL prior to turning left. An officer should use reasonableness and common sense when making enforcement decisions. Some questions to consider before taking enforcement action in this situation:

- How long was the vehicle in the TWLTL?
- Was the vehicle decelerating as it prepared to turn left, or was it maintaining a constant speed as it passed other traffic?
- Did the vehicle pass other locations or opportunities to turn left without turning?

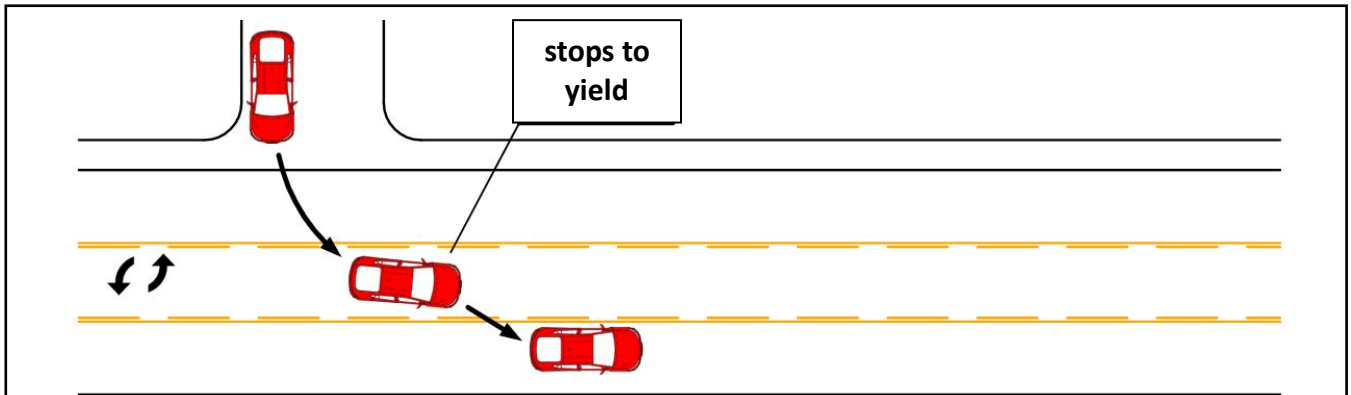
**Violation – Drove in Two-Way Left Turn Lane – Not Turning Left**

The red vehicle is in violation for utilizing the TWLTL to pass another vehicle rather than the lane’s intended use.



**Violation – Drove in Two-Way Left Turn Lane – Not Turning Left**

This vehicle enters the highway from a private drive and uses the TWLTL as an acceleration lane before merging into the main lane. Although the vehicle is permitted to travel across this lane as it enters the highway, when it begins utilizing the lane to travel down the roadway as it builds speed it is in violation. State law does not sanction the use of this lane as an acceleration lane.



**No Violation**

A vehicle is permitted to travel across the TWLTL as it exits a private drive to turn left on the highway. If the vehicle has to stop in the TWLTL to avoid conflict with other traffic, this generally should not be construed to be a violation as long as the vehicle does not use the TWLTL as an acceleration lane. The vehicle should also not be considered to be in violation for [Stop, Stand, or Park on Main Traveled Way](#) because a vehicle that is stopped to avoid conflict with other traffic is not considered to be stopped where prohibited ([TRC 541.401\(10\)](#)).

The [U.S. Department of Transportation’s “Read Your Road” Highway User’s Guide](#) describes the TWLTL:

- *For vehicles turning left from the road, it is a place to wait safely for a gap in traffic to make your turn.*
- *For vehicles turning left into the road, it is a safe mid-point to wait for a gap in traffic approaching from the right before completing your turn.*

Although the USDOT manual does not constitute state law in Texas, the description of the TWLTL clearly indicates the public can expect to be permitted to stop in this lane to yield to traffic after turning left from a private drive.



## Disregard No Lane Change Device (MC)

### 545.060 - Driving on Roadway Laned for Traffic

(d) An official traffic-control device prohibiting the changing of lanes on a section of roadway may be installed. This is accomplished with a solid double white line. **Crossing a solid double white line is prohibited (Disregard No Lane Change Device).**



This pavement marking is depicted in Figure 3B-12 of the Texas Manual on Uniform Traffic Control Devices. The TMUTCD states, “Where crossing the lane line markings is prohibited, the lane line markings shall consist of a solid double white line.”

**Is crossing a single wide line also prohibited?** No. See more information [here](#).

## Operate Motor Vehicle to Deprive Motorcycle of Full Lane Use (MC)

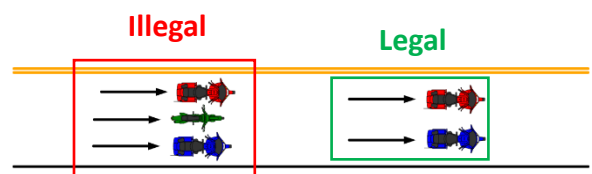
### Operate Motorcycles More than Two Abreast (MC)

### Motorcycle Passed in Same Lane or Operated Between Lanes of Traffic – Lane Splitting (MC)

### 545.0605 - Operation of Motorcycles on Roadway Laned for Traffic (effective 9/1/23)

This section specifies that the operator of a motorcycle is entitled to full use of a lane and a motor vehicle may not be driven in a manner that deprives a motorcycle of the full use of a lane (i.e. crowding into lane space next to a motorcycle). This would not apply to motorcycles riding two abreast as permitted by this section.

This section specifically allows motorcycles to ride two abreast in a single lane but prohibits riding more than two abreast.

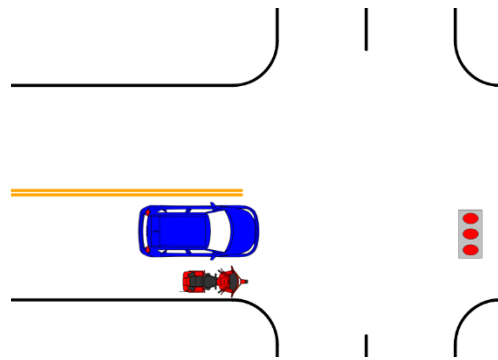


This section also specifically prohibits the practice commonly known as “**lane splitting**” where a motorcycle operates between lanes of traffic moving in the same direction or passes a motor vehicle while in the same lane as the vehicle being passed.





### Motorcycles and Lane Use – Enforcement Example



A motorcycle and a passenger vehicle are sitting side by side in a single lane at a red traffic signal. **Who is committing a violation?**

It depends. Who got there first?

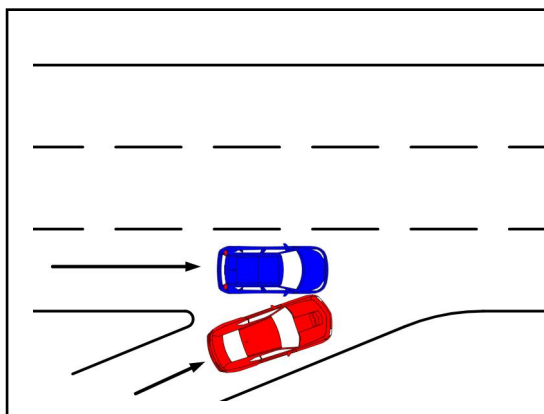
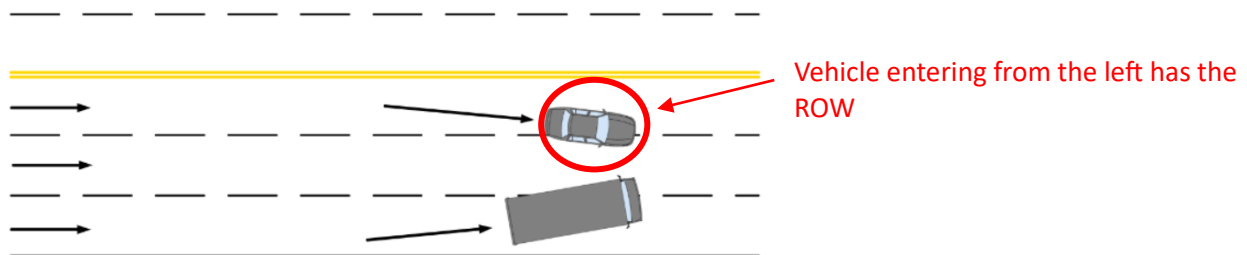
If the motorcycle was there first and the passenger car pulled up next to him, the passenger car has committed the violation of **Operate Motor Vehicle to Deprive Motorcycle of Full Lane Use**.

If the passenger car was there first and the motorcycle pulled up next to him intending to pass, the motorcyclist has committed the violation of **Motorcycle Passed in Same Lane or Operated Between Lanes of Traffic – Lane Splitting**.

### Fail To Yield ROW-Changing Lanes (MC)

#### [545.061 - Driving on Multiple-Lane Roadway](#)

On a roadway with three or more lanes, when two vehicles are attempting to enter the same lane from different directions the vehicle attempting to enter the lane from the right must yield to the vehicle attempting to enter the lane from the left when changing lanes.



**Note:** This section does **not** govern a situation where one vehicle is merging onto a freeway from a ramp and another vehicle is already traveling on the freeway (see diagram to the left). In this situation, the blue vehicle has the ROW, but not because of this section. It is because the blue vehicle is already in the lane the red vehicle is attempting to merge into. Before the red vehicle can move left on the roadway and merge, it must ensure that it can make this movement safely. For more details, see [Turned when Unsafe](#).

## Following Too Closely (MC)

### [545.062 - Following Distance](#)

A vehicle following another vehicle in the same direction must maintain clear assured distance so as not to collide with the vehicle ahead. The following distance must account for unexpected events such as the front vehicle braking suddenly. This can be a somewhat subjective section. Absent a crash, officers taking enforcement action must be able to articulate why the following distance was unsafe. Factors such as vehicle speed, traffic and roadway conditions, visibility, weather conditions, and vehicle distance must all be taken into consideration prior to taking enforcement action.

There is no specific “safe” following distance established in statute or case law (i.e. 400 feet, 3 seconds, etc.). Each violation must be evaluated individually given the totality of the circumstances.

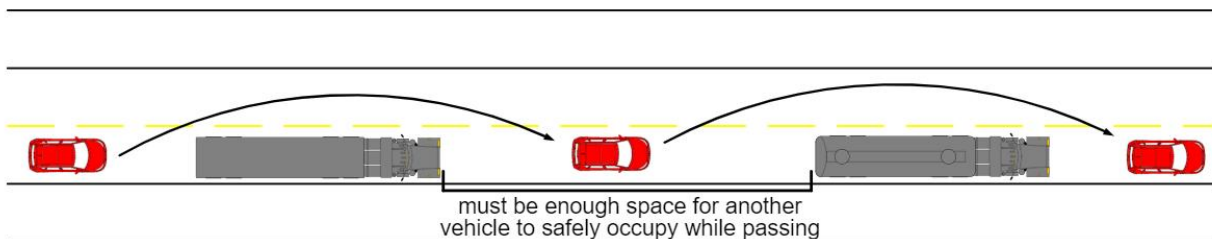
**Case Law** – [Ford v. State, 158 SW 3d 488, Court of Criminal Appeals](#) – an officer must have articulable facts about the following distance and why the officer believes it was “too close”. An officer’s testimony that the following distance was too close without other articulable facts is insufficient.

## Following Too Closely-Truck (Commercial Motor Vehicle) (MC)

## Following Too Closely-Caravan (MC)

### [545.062 - Following Distance](#)

An operator of a truck or a motor vehicle drawing another vehicle is required to leave enough space between itself and another truck or motor vehicle drawing a vehicle so that another vehicle attempting to pass has sufficient space to safely pass one at a time.



**Caravan** – this same concept applies to vehicles being operated in a caravan even if the vehicles are not towing other vehicles. This does not apply to vehicles being operated in a funeral procession.

**Drive On Wrong Side-Divided Highway (MC)**

**Drive Over, Across, Or In A Dividing Space, Physical Barrier, Or Section Constructed To Impede Traffic (MC)**

**545.063 - Driving on Divided Highway**

- (a) When driving on a divided highway, operators shall drive on the right roadway.
- (b) A dividing space, physical barrier, or section constructed to impeded traffic should not be crossed except through an opening or at an established crossover. This would include medians, flush median islands, and the gore at an entrance or exit ramp.

**Examples of dividing spaces, physical barriers, or sections construed to impede traffic:**



**Crossing Prohibited**



**Crossing Permitted (established crossover)**



**Crossing Prohibited**

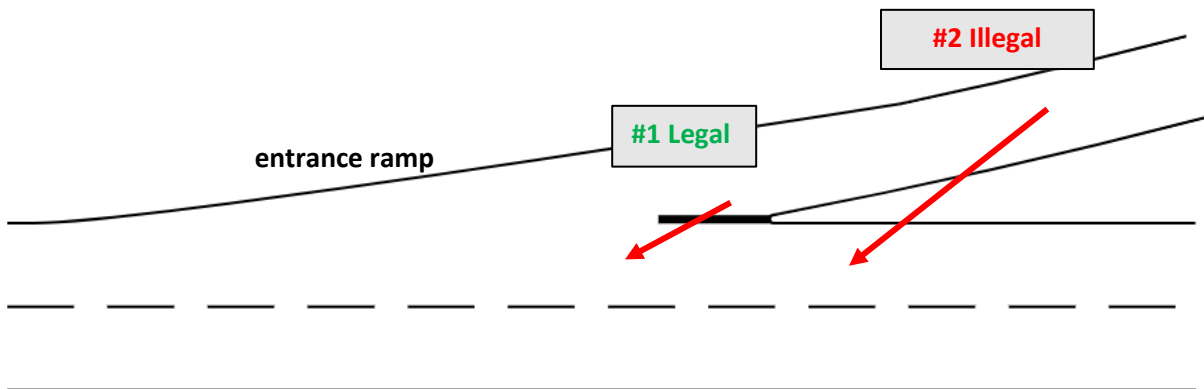
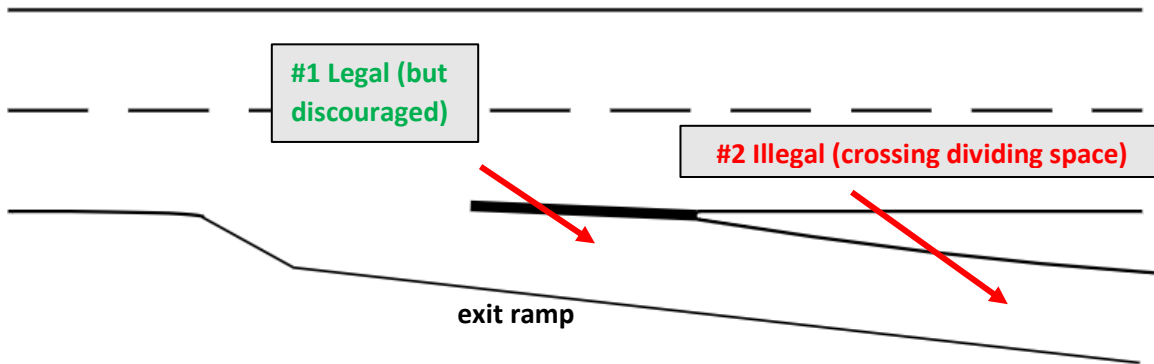


**Crossing Prohibited (flush median)**



#1 – Legal Turn  
(established crossover)

#2 – Illegal Turn  
(crossing dividing space/flush median)



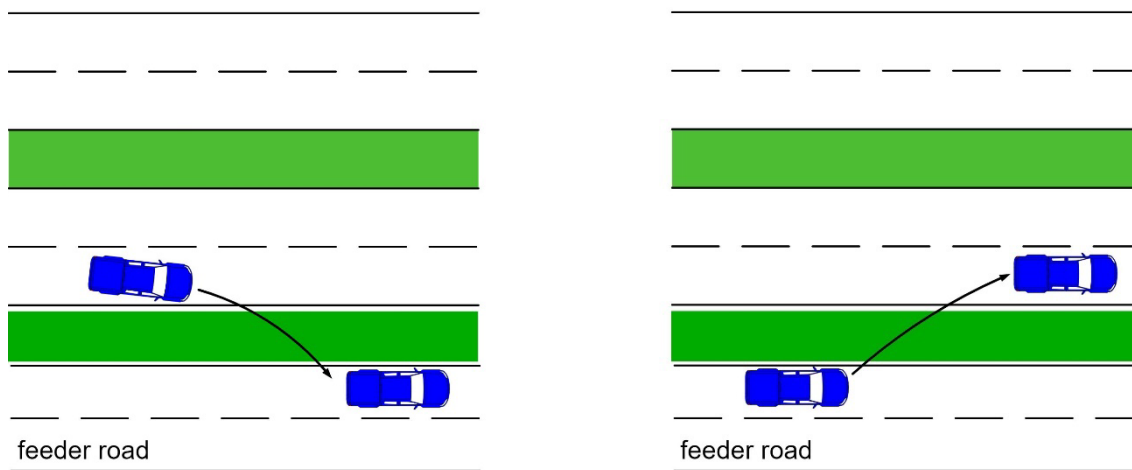
## Drive Onto/From Controlled Access Highway Where Prohibited (MC)

### 545.064 - Restricted Access

Controlled access roadways are defined in [541.302\(8\)](#) - a highway or roadway to which: (A) persons, including owners or occupants of abutting real property, have no right of access; and (B) access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

It is an offense to enter or leave a controlled access roadway at any place not designed to be an entrance or exit. This typically occurs when a vehicle cuts across a grassy area to enter or leave a controlled access highway.

#### Enforcement Examples:



## Prohibited Motor Vehicle On Controlled Access Highway (MC)

### 545.0651 - Restriction on Use of Highway

This provision allows the restriction of certain vehicles in certain lanes. An example would be a “NO TRUCKS LEFT LANE” sign.

The provisions of this section only apply to a controlled access highway and has a minimum of three travel lanes in each direction, excluding frontage roads.

**Reference:** For the purpose of “NO TRUCKS LEFT LANE” signage, the [TXDOT Sign Guidelines and Application Manual](#) defines “Truck” as a motor vehicle with three or more axles, designed, used, or maintained primarily to transport property.



The regulatory sign “No Trucks Left Lane” should not be enforced against vehicles that do not meet this definition of “truck”— i.e. trucks with only two axles (regardless of whether or not they are towing a trailer).



**Fail To Stop/Remain Stopped For School Bus (MC)**

**Fail To Stop/Remain Stopped For School Bus - Subsequent Offense (MC)**

**Fail To Stop/Remain Stopped For School Bus - Caused Serious Bodily Injury (MA)**

**Fail To Stop/Remain Stopped For School Bus - Caused Serious Bodily Injury - Subsequent Offense (SJF)**

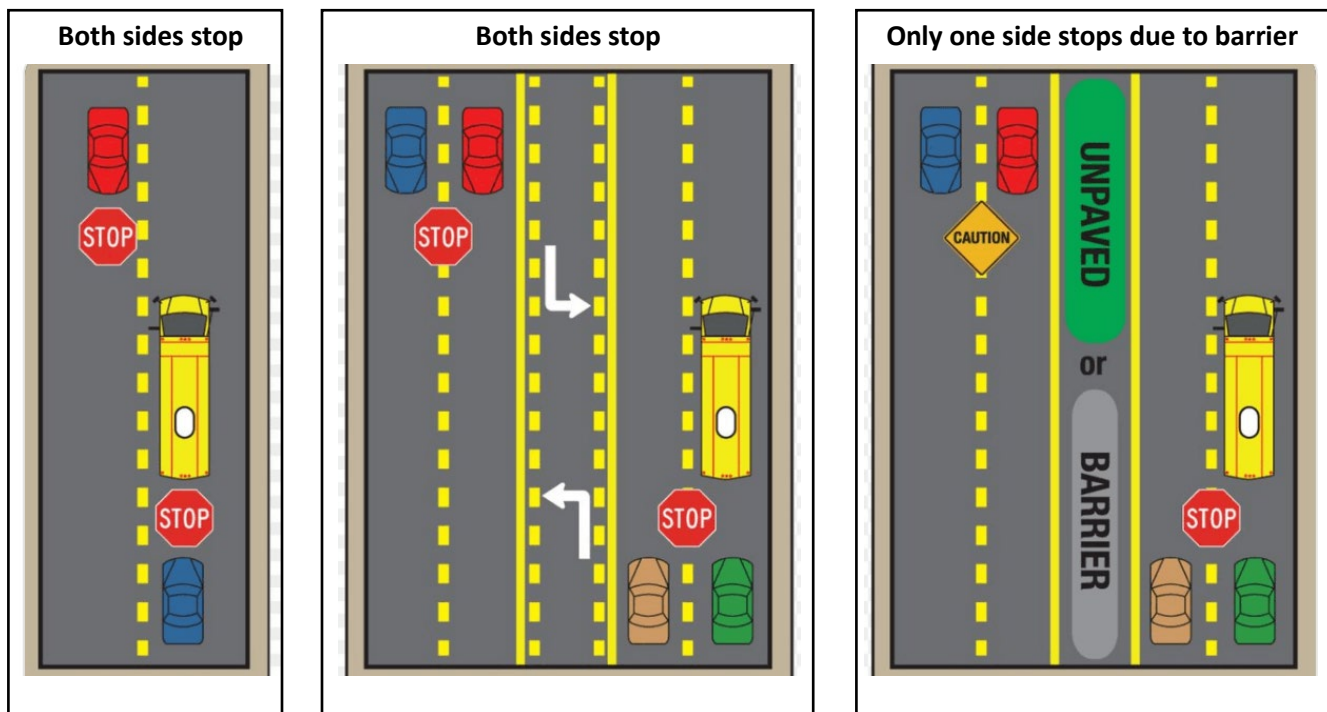
#### 545.066 - Passing a School Bus

When a school bus is stopped and operating its visual signals (flashing red lights) vehicles approaching that bus from either direction must stop. Stopped vehicles may not proceed until one of the following takes place:

- (1) The bus resumes motion
- (2) The bus driver signals it is ok to move, or
- (3) The flashing red light is no longer flashing

If the bus is on a **divided highway**, only the traffic on that side of the highway must stop. A center turn lane does not constitute a divider so both sides are required to stop.

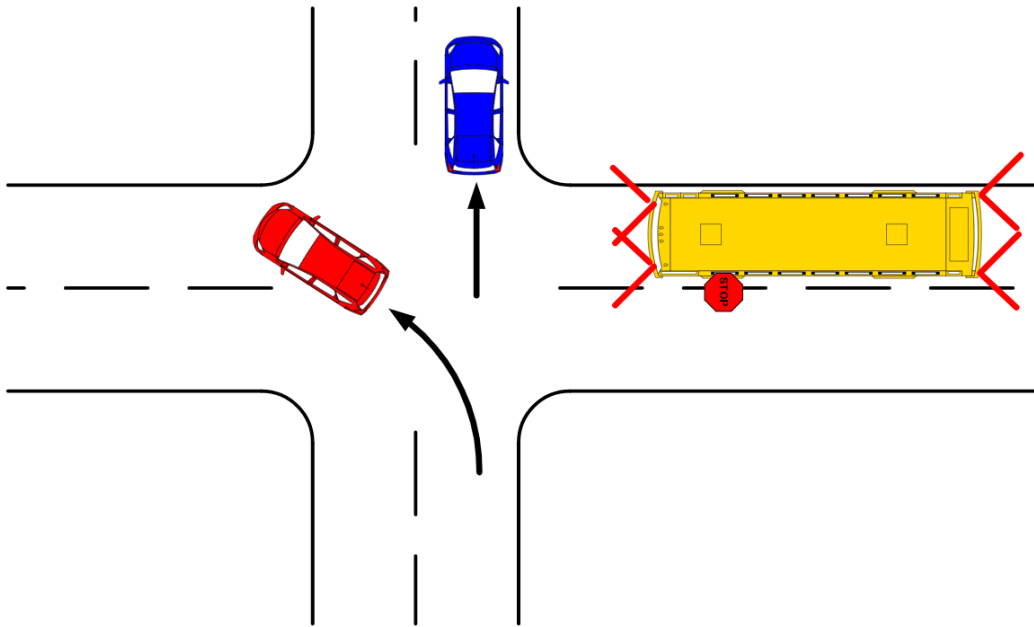
**Note:** the fine levels for this offense are much higher than normal traffic violations and there are enhancements for subsequent violations or causing SBI.



The fine levels for this offense are much higher than normal traffic violations and there are enhancements for subsequent violations or causing SBI.

- 1<sup>st</sup> conviction - \$500 - \$1,250 fine
- 2<sup>nd</sup> or subsequent within 5 years - \$1,000 - \$2,000 fine
- Causes serious bodily injury – Class A Misdemeanor
- 2<sup>nd</sup> conviction of causing serious bodily injury – State Jail Felony

**What if the bus stops near an intersection? Does traffic have to stop on the intersecting highway?**



Neither vehicle in the scenario above is required to stop for the school bus.

The blue vehicle is traveling on a separate highway and this section of the law only governs traffic traveling on the same highway as the bus.

The red vehicle turns onto and begins traveling on the same highway as the bus, but it is not approaching the school bus on that highway and is therefore not required to stop. If the red vehicle turned right instead of left, it would be required to stop before reaching the bus.



## TURNING MOVEMENTS

**Failure To Make Right Turn As Close As Possible To The Right Hand Curb (MC)**

**Turn Left From Wrong Lane (MC)**

**Cut Corner Left Turn (MC)**

**Failure to Make Left Turn as Close as Practicable to Left-Hand Curb/Edge of Roadway on a One Way Roadway (MC)**

### 545.101 - Turning at Intersections

Reference [541.303](#) – definition of intersection - *the common area at the junction of two highways, other than the junction of an alley and a highway.*

This section specifically addresses the legal requirements for turning at an intersection. These regulations do not apply when turning at places other than intersections such as turning into/from private drives, private roads, or parking lots. These areas do not constitute “intersections” because they are not the junction of two highways.

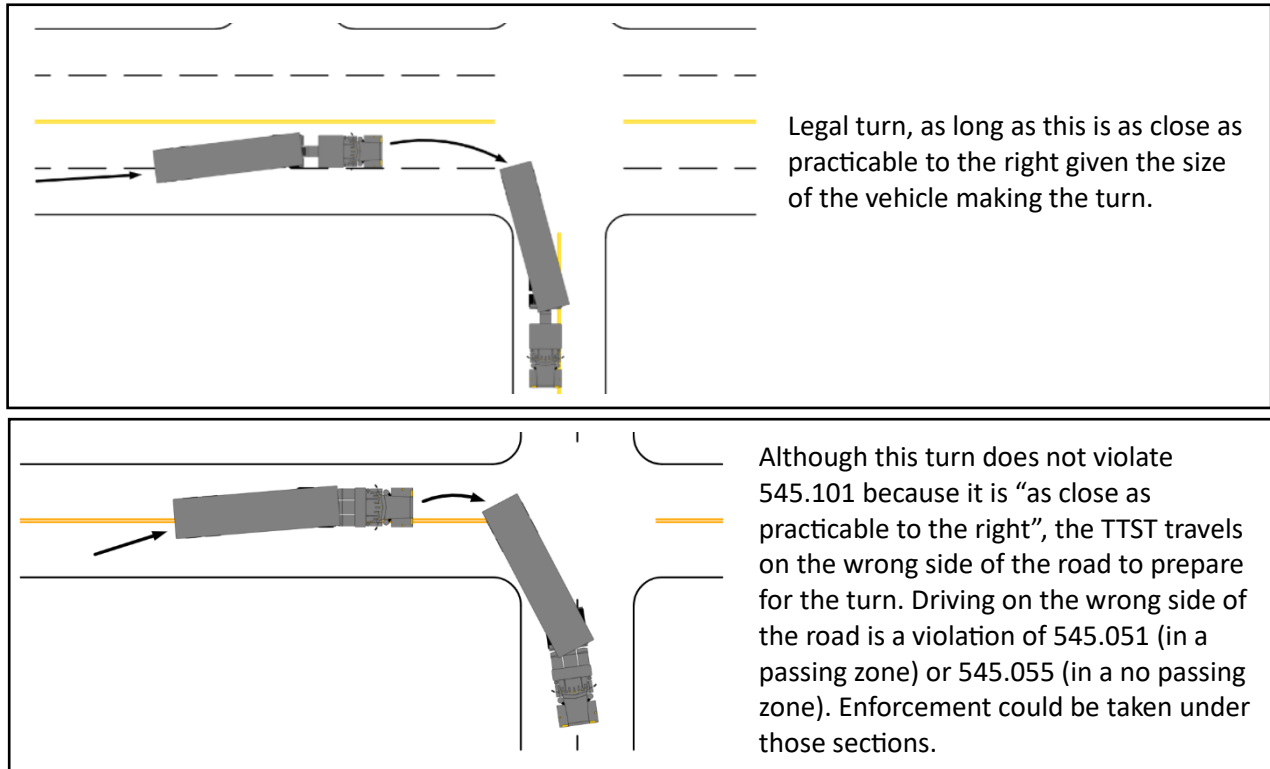
#### Turning Right at an Intersection

To make a right turn at an intersection, the operator must make the approach and the turn as closely as practicable to the right hand curb or edge of the roadway. For larger vehicles, this might not be very close to the right - it will be different for different vehicles. **Exception:** Turn marks at an intersection can be placed to allow turning in a different manner (see [Disregard Turn Marks at Intersection](#)).

#### **Right Turn Enforcement Examples:**

<p>The diagram shows a top-down view of a road intersection. A 'private drive' is shown at the top. Four vehicles are shown making right turns:</p> <ul style="list-style-type: none"><li><b>Vehicle 1:</b> In the right lane, turning right. Labeled 'Legal'.</li><li><b>Vehicle 2:</b> In the right lane, turning right but positioned far from the curb. Labeled 'Illegal'.</li><li><b>Vehicle 3:</b> In the right lane, approaching from a distance and turning right. Labeled 'Illegal'.</li><li><b>Vehicle 4:</b> In the left lane, turning right. Labeled 'Legal'.</li></ul>	<p>#1 – Legal Turn</p> <p>#2 – Illegal - turn not made as closely as practicable to right.</p> <p>#3 – Illegal - approach not made as closely as practicable to right.</p> <p>#4 – Legal Turn - not turning at an intersection (if this turn interferes with another vehicle in the right lane, use “Unsafe Turn” under 545.103)</p>
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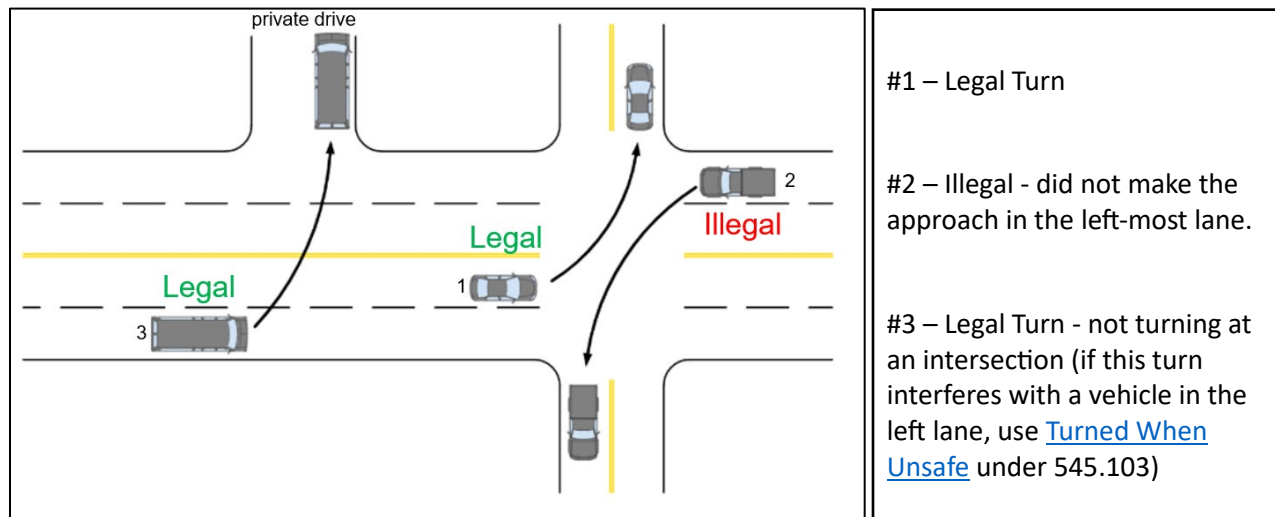
**Right Turn Enforcement Example:**



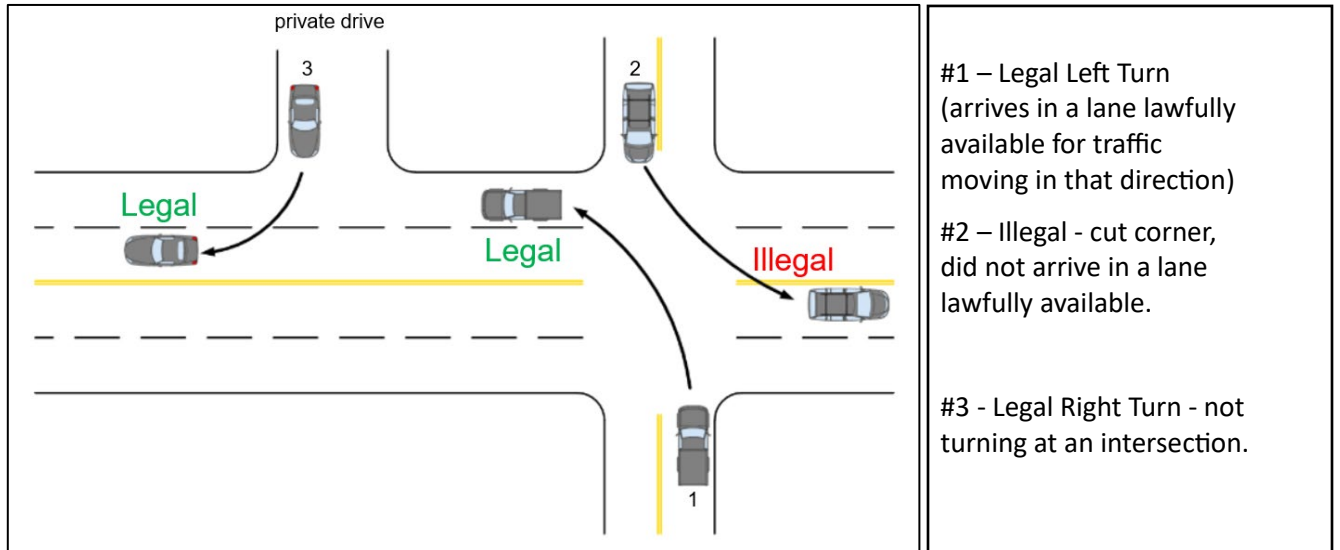
**Turning Left at an Intersection**

To make a left turn at an intersection, the operator must approach the turn in the left-most lane available. After entering the intersection the operator must turn left so as to arrive in a lane for which travel in the desired direction is authorized. **Exception:** Turn marks at an intersection can be placed to allow turning in a different manner (see [Disregard Turn Marks at Intersection](#)).

**Left Turn Enforcement Examples:**



**Turning Enforcement Examples:**

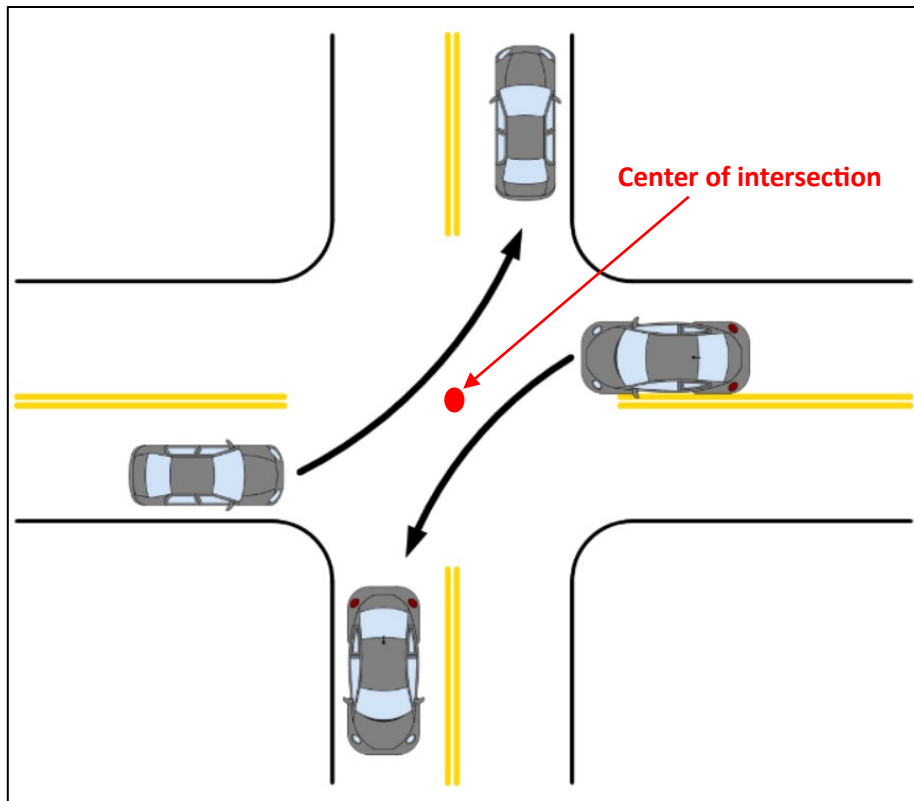


#1 – Legal Left Turn  
(arrives in a lane lawfully available for traffic moving in that direction)

#2 – Illegal - cut corner, did not arrive in a lane lawfully available.

#3 - Legal Right Turn - not turning at an intersection.

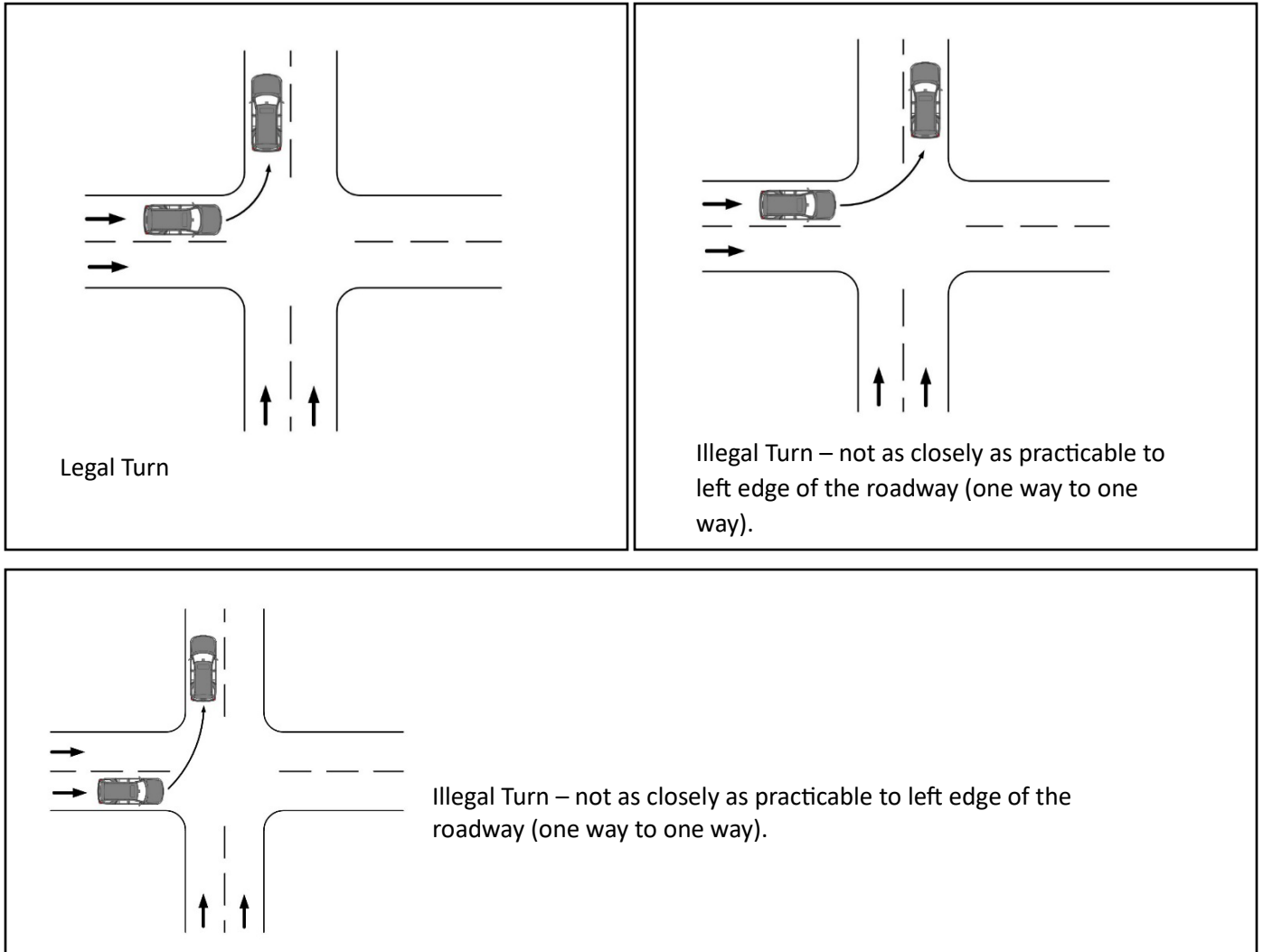
A left turn should be made in the portion of the intersection to left of the center. This helps avoid conflict with oncoming traffic that may also be attempting to turn left.



### Turning Left – One Way Roadways

To turn left at an intersection from a one-way roadway onto another one-way roadway, the operator of a vehicle shall make the turn as closely as practicable to the left-hand curb or edge of the roadway.

#### **One Way Left Turn Enforcement Examples:**



#### **Turning Summary:**

**Turning at an Intersection** – Must turn right or left in a specified manner ([545.101](#)), must turn safely ([545.103](#)), must yield the ROW to vehicles approaching from the opposite direction ([545.152](#)), must yield ROW to pedestrians in adjacent crosswalks ([544.007](#)).

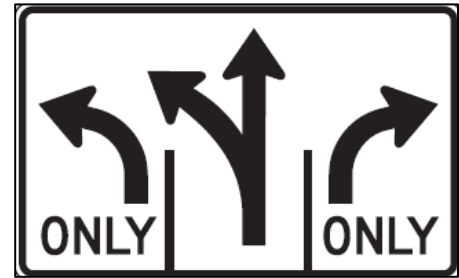
**Turning into Alley/Private Drive/Driveway** – Must turn safely ([545.103](#)), must yield ROW to vehicles approaching from the opposite direction ([545.152](#)), must yield ROW to pedestrians on sidewalks or sidewalk areas ([545.256](#)).

**Turning anywhere else** – Must turn safely ([545.103](#)).

## Disregard Turn Marks at Intersection (MC)

### 545.101 - Turning at Intersections

(e) Official Traffic Control Devices may be placed at intersections to require a course of turning different than that normally prescribed by 545.101. It is an offense to turn in a manner or direction that does not comply with the turn marks at an intersection.



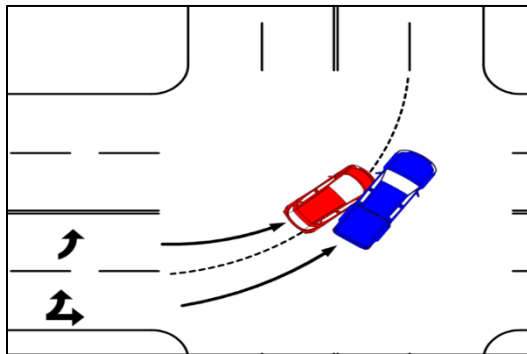
### Disregard Turn Marks at Intersection Enforcement Examples:



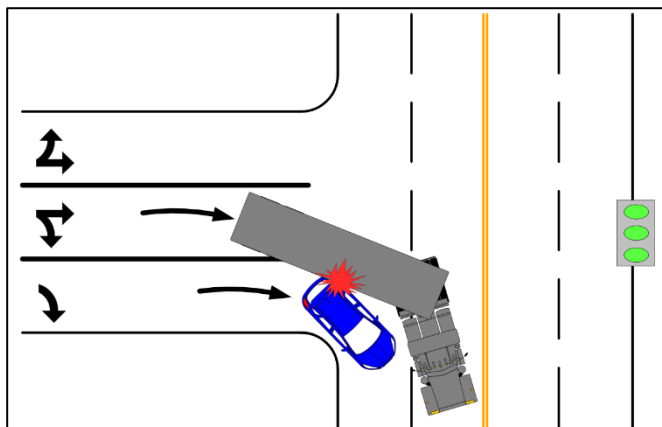
A vehicle in the left lane would be in violation if it went straight instead of turning left. A vehicle in the right lane would NOT be in violation for turning left because the turn marks at the intersection permit turning left from this lane.



Although a right turn at an intersection is normally required to be made “as closely as practicable” to the right curb or edge of roadway, the turn marks at this intersection permit turning right from either of these two lanes. If a vehicle went straight from the right turn only lane, it would be in violation for **Disregard Turn Marks at Intersection**.



What about dashed lines extending through the intersection? The TMUTCD treats these as an extension of the lane lines (See TMUTCD Figure 3B-13). In other words, a vehicle may cross the dashed line, but only if it signals the lane change and the movement can be made safely. In the scenario to the left, the red vehicle is committing the violation of Changed Lanes When Unsafe.



The TTST and the blue vehicle collide while both turning right at this intersection. The TTST has not committed a violation of turning from the wrong lane because the turn marks at the intersection permit turning right from either of the right two lanes. Although turning from the second lane is permitted, the TTST still attempted to turn when the turn could not be completed safely due to the blue car’s presence. The most accurate contributing factor would be Turned When Unsafe.

## Made U-Turn On Curve Or Hill (MC)

### [545.102 - Turning on Curve or Crest of Grade](#)

U-turns are permissible in Texas, however the U-turn must not be made near a curve or the crest of a grade if visibility is reduced to below **500 feet** for a vehicle approaching from either direction.

Some intersections have traffic control devices (signs) that prohibit U-turns. If the sign is not present, the U-turn is legal as long as the visibility requirements are met. If a No U-Turn sign is present, the offense is [Disregard Official Traffic Control Device](#) for making a U-turn in that location.

## Turned When Unsafe (MC)

### Unsafe Movement Right or Left on Roadway (MC)

#### [545.103 - Safely Turning](#)

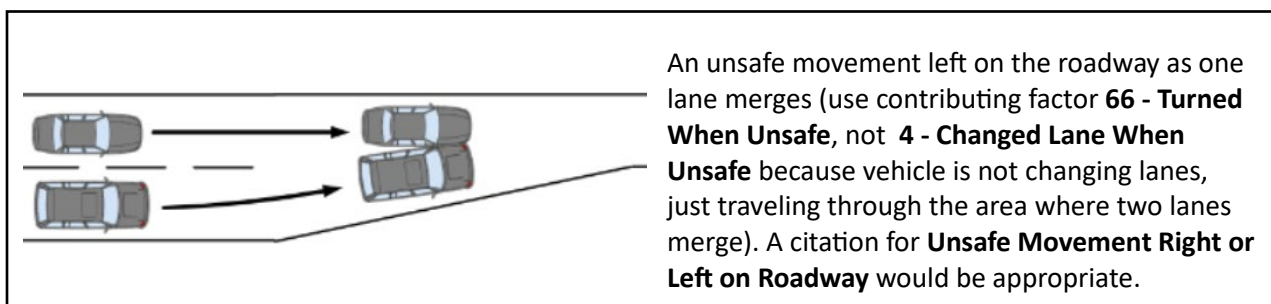
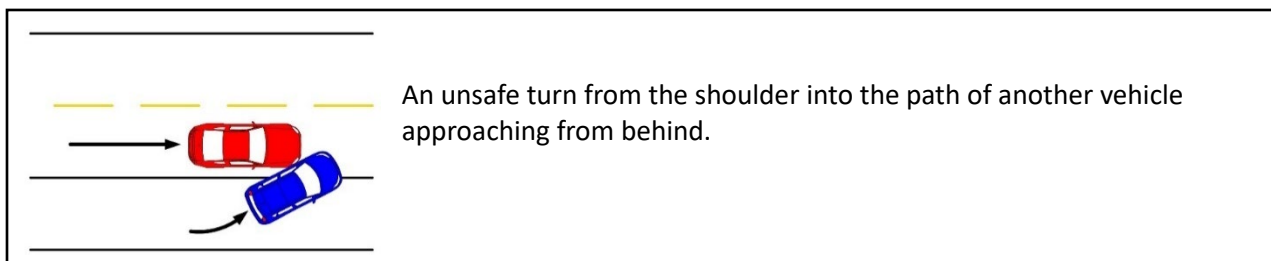
This is an umbrella statute for turning in situations where the manner of turning is not otherwise addressed but the turn or movement was made unsafely.

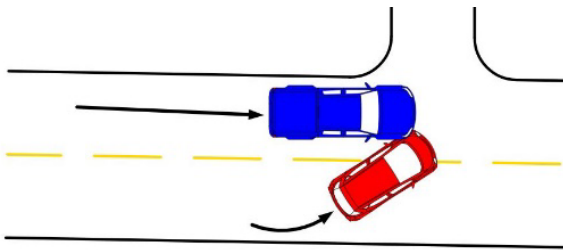
An operator may not turn the vehicle right or left, turn the vehicle from a direct course, or otherwise more right or left on the roadway unless that movement can be made safely.

**NOTE:** this statute governs more than actual turning movements – it also governs unsafely moving right or left on the roadway.

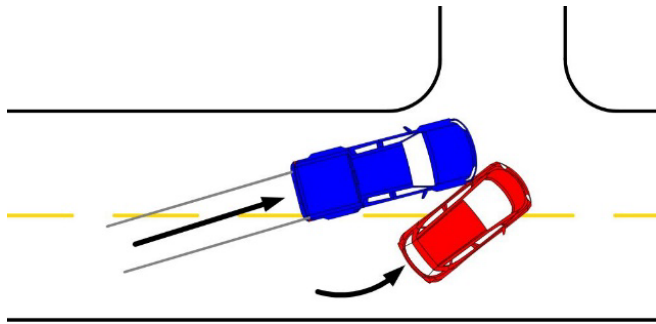
In crash investigation, a vehicle that causes a crash while turning in a location that is not an intersection will generally receive this factor because the other turning factors deal with turning in a specified manner at an intersection. An intersection is the junction of two highways and does not include the junction of a highway and an alley, private drive, private road, or parking lot ([TRC 541.303](#)).

#### Turned When Unsafe Enforcement and Crash Examples:



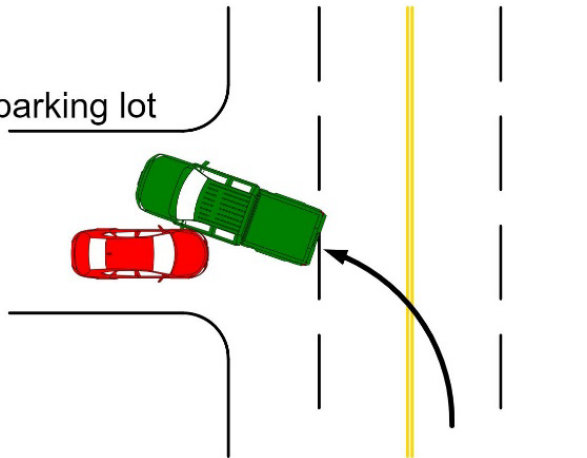


The red vehicle does not give a turn signal or the signal and turn began after blue pickup had moved onto the left side of the road and started to pass. The red vehicle makes an unsafe turning movement into the path of a vehicle making a legal pass.



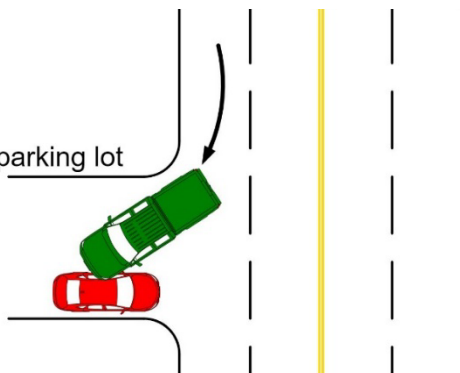
**NOT** an unsafe turning movement. Note skid mark evidence shows the truck was not in the act of passing when the passenger vehicle began turning. The truck swerved left to avoid a collision because it was approaching the passenger vehicle too quickly. Contributing factor is **Failed to Control Speed** on the truck.

parking lot



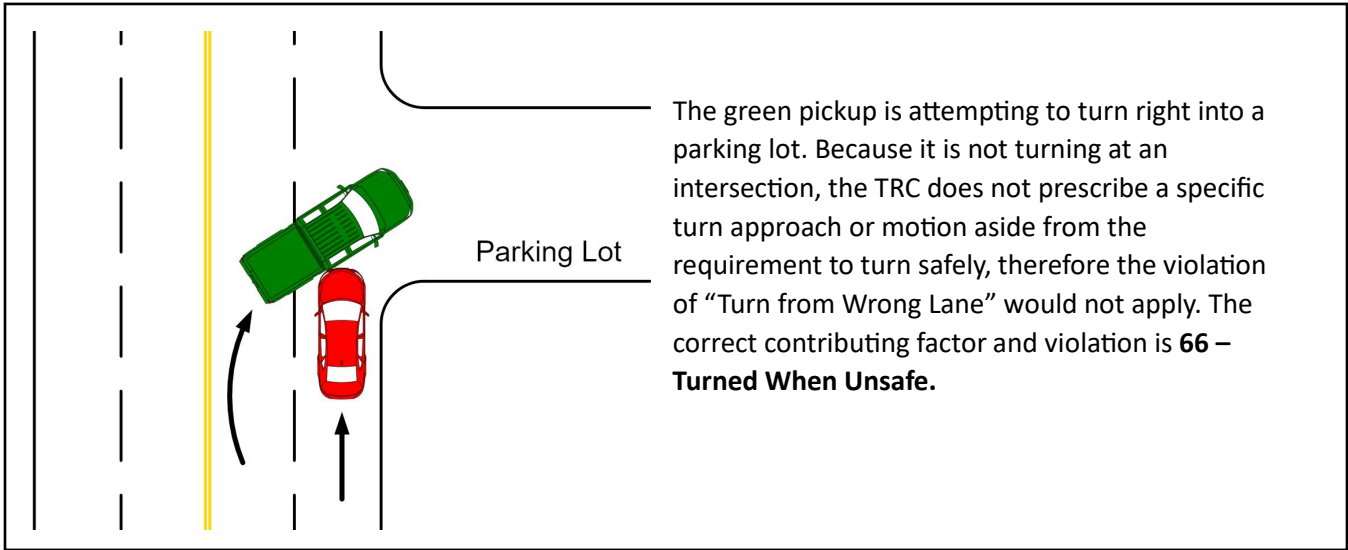
As the green pickup makes a left turn into a parking lot, it turns too sharply and strikes the red car. Because the pickup is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely. The correct contributing factor is **66 – Turned When Unsafe**.

parking lot



As the green pickup makes a right turn into a parking lot, it swings wide in the turn and strikes the red car. Because the pickup is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely. The correct contributing factor is **66 – Turned When Unsafe**.





**Who has the ROW here?**

The TRC does not specifically address ROW when one vehicle is merging onto a freeway from a ramp. Avoid "Changed Lanes when Unsafe" because the blue truck is not crossing lane lines – his lane is ending and merging. The most applicable factor is **66 – Turned When Unsafe** for the blue pickup. Per 545.103, a vehicle may not turn the vehicle from a direct course or move right or left on a roadway unless the movement can be made safely. In this situation, the blue truck is moving left on the roadway when it is not safe to do so. A citation for **Unsafe Movement Right or Left on Roadway** would be appropriate.

**Fail To Signal Turn (MC)**

**Fail To Signal Lane Change (MC)**

**Fail To Signal Required Distance Before Turning (MC)**

**Fail To Signal-Start From Parked Position (MC)**

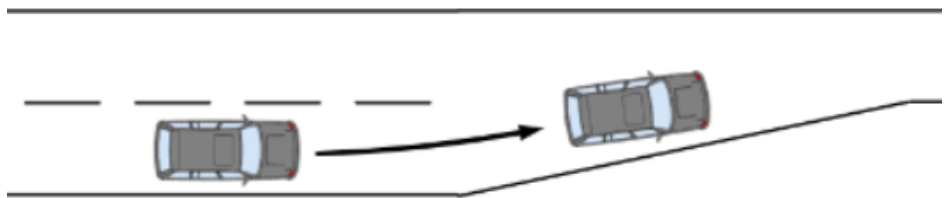
### 545.104 - Signaling Turns; Use of Turn Signals

The use of a turn signal is required in the following **three** circumstances:

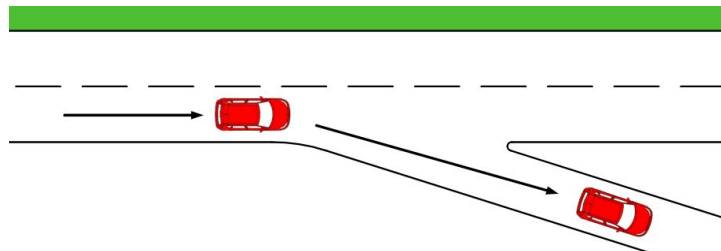
- (1) To indicate the intent to turn right or left (must be signaled for the last 100 feet of movement).
- (2) To signal the intent to change lanes (no distance requirement, but should be signaled prior to crossing the lane lines).
- (3) To signal the intent to start from a parked position on the highway.

**Case law** – [Mahaffey v. State, 364 S.W.3d 908](#) - Court of Criminal Appeals clarified that a turn means to alter from a direct course. A vehicle following a curve in the roadway is not considered to be “turning” for signaling requirement purposes. Also, a vehicle merging into a lane from a lane that is ending is not required to signal as long as it does not cross lane lines. It is simply following the direct course of its lane.

**Mahaffey v. State** – no signal required in this situation.



**Case Law** – [Speck v. State, 564 S.W.3d 497](#)– **Signal required when taking an exit ramp.**



**Discussion:** In the year 2000, the 9<sup>th</sup> District Court of Appeals (Beaumont) ruled that a signal was NOT required when a vehicle takes an exit because there is no evidence the vehicle is “turning” ([Trahan v. State](#)). The next year (2001), this same court issued another opinion concluding

the same thing ([State v Zeno](#)). Neither case escalated to the Court of Criminal Appeals. In 2018, the 14<sup>th</sup> District Court of Appeals contradicted the 9<sup>th</sup> District Court of Appeals when they decided [Speck v. State](#) (with the additional insight of the *Mahaffey* precedent from the Court of Criminal Appeals decided in 2012). In this opinion, the court directly addressed the *Trahan* ruling from 18 years earlier. The court said that *Trahan* focused on whether or not taking an exit ramp was a “turn”. Instead, the court in *Speck* focused on whether or not taking an exit ramp was a lane change. **The court concluded taking an exit ramp essentially constitutes a lane change and a signal is required under 545.104.**

**Case Law** – [Aviles v. State, 26 S.W.3d 696](#) – clarified that a **vehicle may change multiple lanes at once without stopping** as long as the intent is signaled.

**Case Law** – [US v. Watson, US 5<sup>th</sup> Court of Appeals](#) – what about a **vehicle that comes to a complete stop at a stop sign, signals a turn, and then makes the turn?** Does a violation exist for failing to signal for the last 100 feet of movement if the vehicle’s movement is ceased and controlled by a stop sign prior to turning? Yes, reasonable suspicion exists for a traffic stop in this situation. Several appeals courts have upheld this stance ([State v. Elias](#), [State v. Losoya](#)). Current Texas DPS Enforcement guidance is to treat this situation as a less than clear cut and substantial violation – meaning a traffic stop can be made, however a citation should not be issued (Reference Traffic Enforcement Guidance training course, 2019-2021 THP In-Service training cycle)

**Case Law** – [Wehring v. State, 276 S.W.3d 666](#) – a vehicle **must signal a turn even when turning at an intersection from a “turn only” lane.**

**Case Law** – [State v. Ballman](#) – is a vehicle **required to signal when turning onto the highway from a private drive or parking lot?** No. A vehicle in this circumstance is not operating on the highway as it prepares to turn, and it is therefore not subject to signaling requirements (remember Subtitle C applicability in [542.001](#)).

**What about hand signals?** Can they be used in lieu of turn signal lamps? See Information in [Fail to Signal With Turn Indicator](#) (section [545.106](#)).

### **Improper Use of Turn Indicator (MC)**

#### **[545.104 - Signaling Turns; Use of Turn Signals](#)**

It is a violation to light the turn signal on only one side of a parked or disabled vehicle.

It is also a violation to use the turn signal as a “do pass” signal to a vehicle approaching from the rear.

**Note:** It is not specifically a violation to drive with a turn signal activated without turning. This arrest title is often misapplied when a motorist accidentally leaves their turn signal on, however the TRC does not specifically make such action illegal. The **Improper Use of Turn Indicator** arrest title is specifically for the two situations described above.

**Can a turn be signaled by hand signal rather than a turn signal lamps?** See Information in [Fail to Signal With Turn Indicator](#) (section [545.106](#)).

**Reference [547.302\(b\)](#)** – although some drivers can comply with the requirement to signal a turn by using a hand signal out their window, if the vehicle’s turn signal lamps are defective a violation would still exist for defective turn signal lamps in [547.324](#) and the [Federal Lighting Standard](#) adopted by [547.3215](#).

## Fail To Signal for Stop (MC)

### [545.105 - Signaling Stops](#)

Operators must give a stop signal before stopping. This is usually automatically accomplished when the stop lamps come on as the operator applies the brakes.

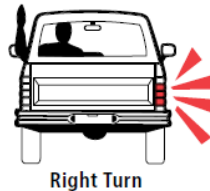
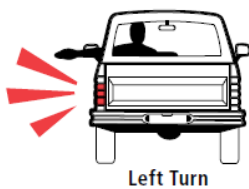
**Can a stop be signaled by hand signal rather than stop lamps?** See Information in [Fail to Signal With Turn Indicator](#) (section [545.106](#)).

**Reference [547.302\(b\)](#)** – although some drivers can comply with the stop signal requirement by using a hand signal out their window, if the vehicle’s brake lamps are defective a violation would still exist for defective brake lamps in [547.323](#) and the [Federal Lighting Standard](#) adopted by [547.3215](#).

## Fail To Signal With Turn Indicator (MC)

### [545.106 - Signals by Hand or Arm or by Signal Lamps](#)

Smaller vehicles may accomplish the requirement to signal stops and turns by using a hand signal in lieu of a signal lamp. The vehicle must be of such a size that the distance from the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle is 2 feet or less. Hand signals may also be used if the distance from the center of the top of the steering post to the rear limit of the body or load is 14 feet or less. If the vehicle is larger than these dimensions, the signal must be given by lighted lamps (turn signal lamps and brake lamps).



**Remember:** Any vehicle manufactured after 1968 falls under the [Federal Lighting Standards](#) and brake and turn signal lamps are required. If a vehicle’s signal lamps are not working and the driver signals by hand they could not be charged with failing to signal the stop or turn, however they could still be charged with the defective turn or stop lamps.

## RIGHT OF WAY

### Disregard Stop Sign (MC)

### Fail To Yield Right-of-Way At Open Intersection (MC)

### Failed to Stop as Required at Open Intersection (MC)

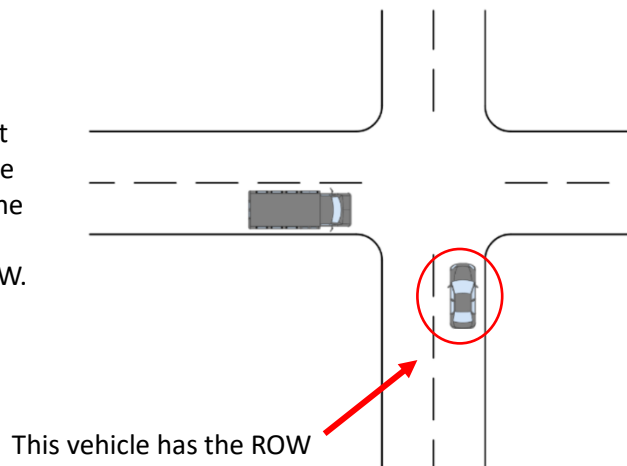
#### 545.151 - Vehicle approaching or Entering Intersection

Vehicles approaching and utilizing intersections must obey traffic control signals that establish right-of-way at the intersection. If a signal is present but not displaying an indication, vehicles must stop and yield ROW (i.e. treat it like a stop sign – see [544.007\(i\)](#))

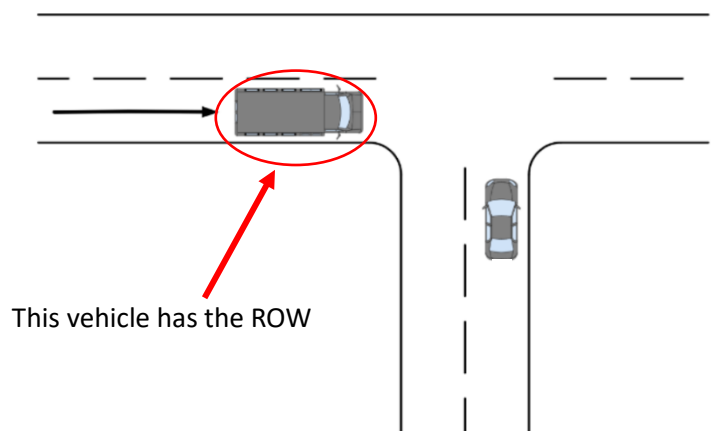
**If traffic control is not present (open intersection), the following rules govern right-of-way:**

- Vehicles on single-lane or two-lane roadways must **stop and yield the right-of-way** to traffic on divided highways or roadways with three or more lanes.
- A vehicle on an unpaved road intersecting a paved road must **stop and yield the right-of-way** to traffic on the paved road.

- If roads are of equal size, an operator must **stop and yield the right-of-way** to a vehicle approaching from the immediate right if the vehicle is in hazardous proximity. Both vehicles must stop, but one must yield ROW.

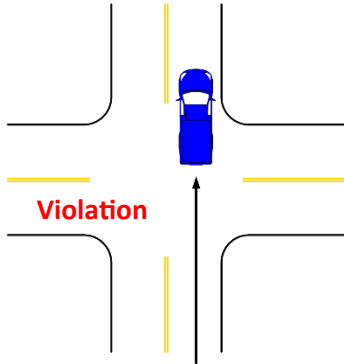


- At an uncontrolled T-intersection, the vehicle on the roadway terminating must **stop and yield the right-of-way** to a vehicle on the through roadway.

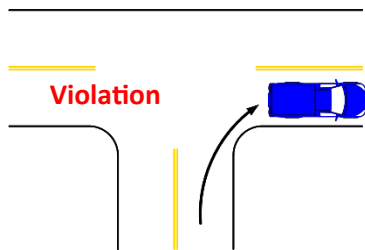


**If there are no other vehicles around, is a vehicle still required to stop at an open intersection?**

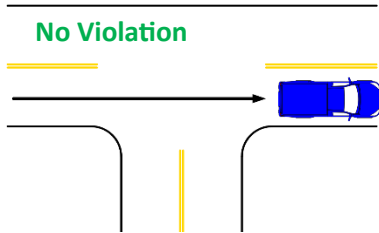
Yes, in many circumstances. 545.151 requires specific vehicles to stop first and then yield ROW if there is another vehicle approaching (**Offense – Fail to Stop as Required at Open Intersection**).



There is no other traffic around and this vehicle does not stop before traveling through this open intersection. This is a violation of 545.151(d). This subsection requires a vehicle approaching an open intersection in this circumstance to stop. After stopping, the vehicle must yield ROW to another vehicle approaching from the right.



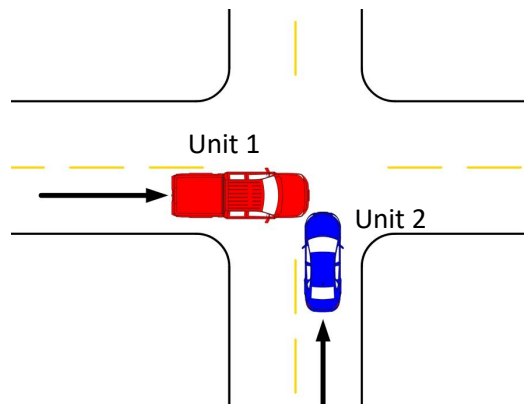
There is no other traffic around and this vehicle does not stop before traveling through this open intersection. This is a violation of 545.151(e) because this vehicle is on a roadway that terminates at the intersection.



This vehicle is not required to stop at this open intersection because it is on the roadway that does not terminate at the intersection. 545.151(e) only requires the vehicle on the terminating roadway to stop.

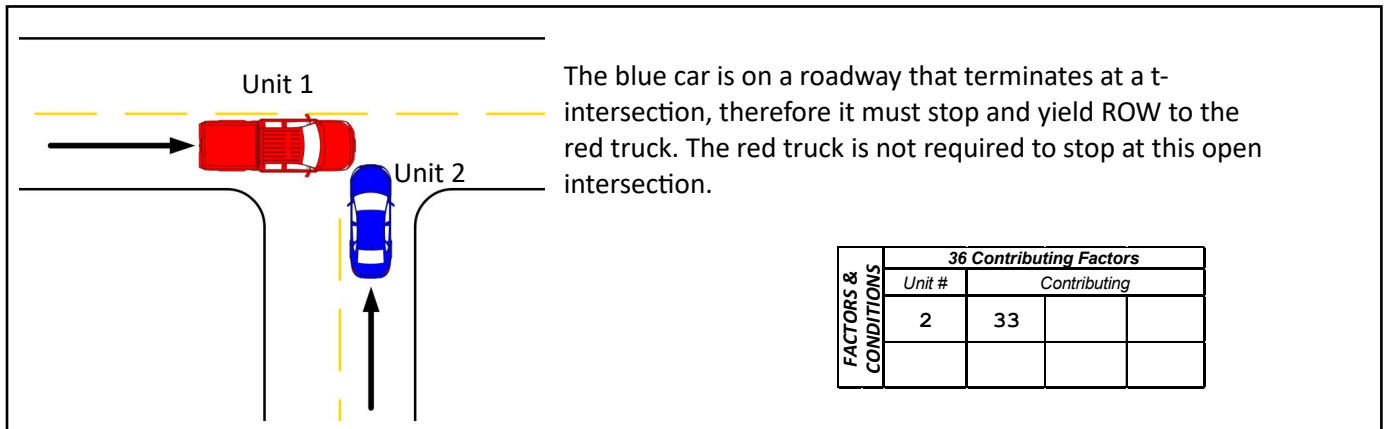
**Working the Inevitable Crash**

Each vehicle is required to stop per 545.151. Each vehicle is required to yield ROW to a vehicle approaching from the right.



The red truck must yield ROW to the blue car because it is approaching from the driver's right. Both vehicles have contributed to the crash. Because there is not a contributing factor for failing to stop at an open intersection, Unit 2 is assigned 98 – Other. Unit 1 is assigned 33 - FYROW – Open Intersection.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	33		
2	98		



**Fail To Yield ROW At Stop Intersection (MC)**  
**Fail To Yield ROW At Yield Intersection (MC)**

**545.153 - Vehicle Entering Stop or Yield Intersection**

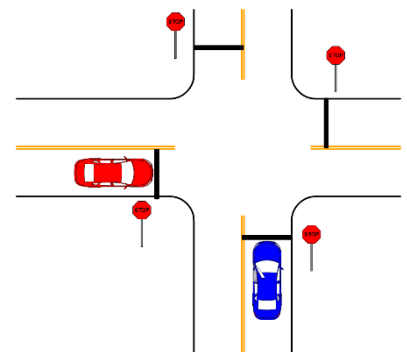
Vehicles are required to stop at stop signs. “Stop when required” is defined in [541.401\(10\)](#) – the complete cessation of movement.

Vehicles approaching yield signs are required to slow to a reasonable speed for the existing conditions so that they can yield ROW if necessary.

Stop signs and yield signs establish right-of-way at an intersection. A motorist at a stop or yield sign who violates the ROW established by the sign is committing a violation. This may cause a crash, or it may simply cause the other vehicle to take some type of evasive action to avoid a crash (braking, swerving, etc.).

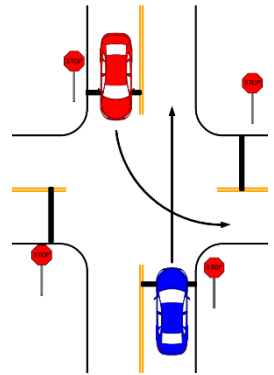
**Do vehicles get to go in the order they stopped? What if two vehicles stop at the same time? Who has right of way?**

A vehicle that has come to a stop at a stop sign must yield ROW to “a vehicle in the intersection or approaching on another highway so closely as to be an immediate hazard to the operator's movement in or across the intersection.” Motorist often take turns in the order they arrive at the stop signs, however if all vehicles have ceased their movement, the vehicle that starts moving first has the ROW over vehicles that are still stopped on an intersecting highway. In the diagram on the right, whichever vehicle begins movement first has ROW over the other vehicle regardless of what order they initially came to a stop.





If both vehicles are on the same highway as depicted in the diagram to the right, there is no conflict unless one of the vehicles is turning left. In this scenario, if the red vehicle is “in the intersection” making its turn while the blue vehicle is still stopped, the red vehicle would have the ROW. If, however, both vehicles begin movement into the intersection simultaneously or the blue vehicle begins movement before the red vehicle enters the intersection, the red vehicle would be required to yield ROW before turning left, per [545.152](#).



**Enforcement Guidance** – [THP Manual Chapter 5](#) – a violator disregarding a stop sign at a speed faster than a walk should be considered to have committed a clear-cut and substantial violation. Violators who disregard a stop sign at walking speed or less should generally be issued a written warning rather than a citation.

**Fail To Yield ROW To Approaching Traffic - Turning Left (MC)**

**[545.152 - Vehicle Turning Left](#)**

A vehicle turning left at an intersection or into an alley/private road/private drive must yield the right-of-way to traffic approaching from the opposite direction.

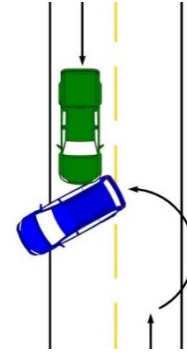
**Note:** There are two elements here – turning at a specific location (intersection/alley/private road/private drive) and traffic approaching from the opposite direction. This charge is often misapplied in crash investigations that should fall under [545.103 - Turned When Unsafe](#).

**Enforcement Examples:**

This is **FYROW – Turning left**. The blue vehicle is turning at an intersection/alley/private road/private drive and the green vehicle is approaching from the opposite direction.

The diagram shows a private drive branching off to the left from a main road. A blue car is turning left from the private drive onto the main road. A green car is approaching from the opposite direction on the main road. A label 'private drive' with a line points to the branching road.

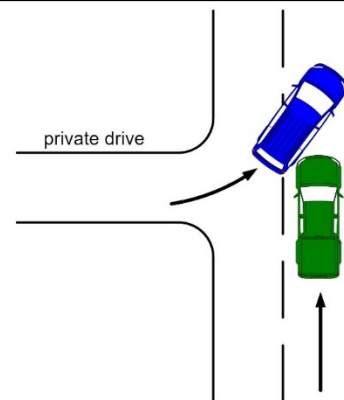
This is **NOT** FYROW – Turning left. Although the blue vehicle was turning left to make a U-turn and the green vehicle was approaching from the opposite direction, the blue vehicle was not turning at an intersection/alley/private road/private drive. The correct factor and violation would be **Turned When Unsafe**.



This is **NOT** FYROW – Turning left even though the blue vehicle is turning left and it also fails to yield the ROW to the green vehicle.

The blue vehicle is turning out of a private drive, not into it. The green vehicle is not approaching from the opposite direction.

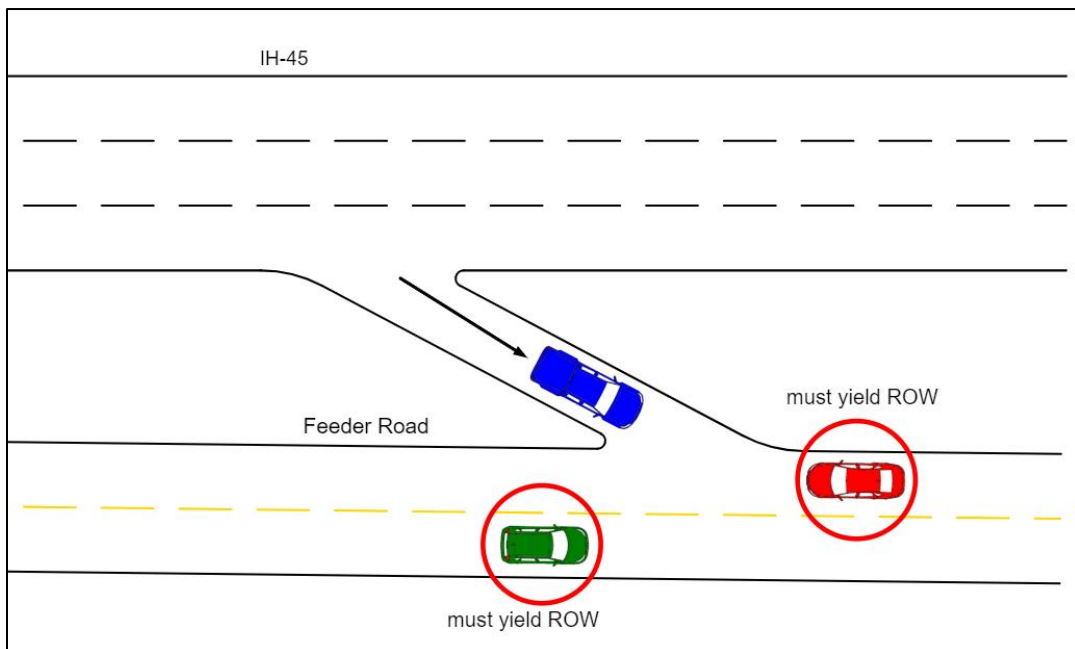
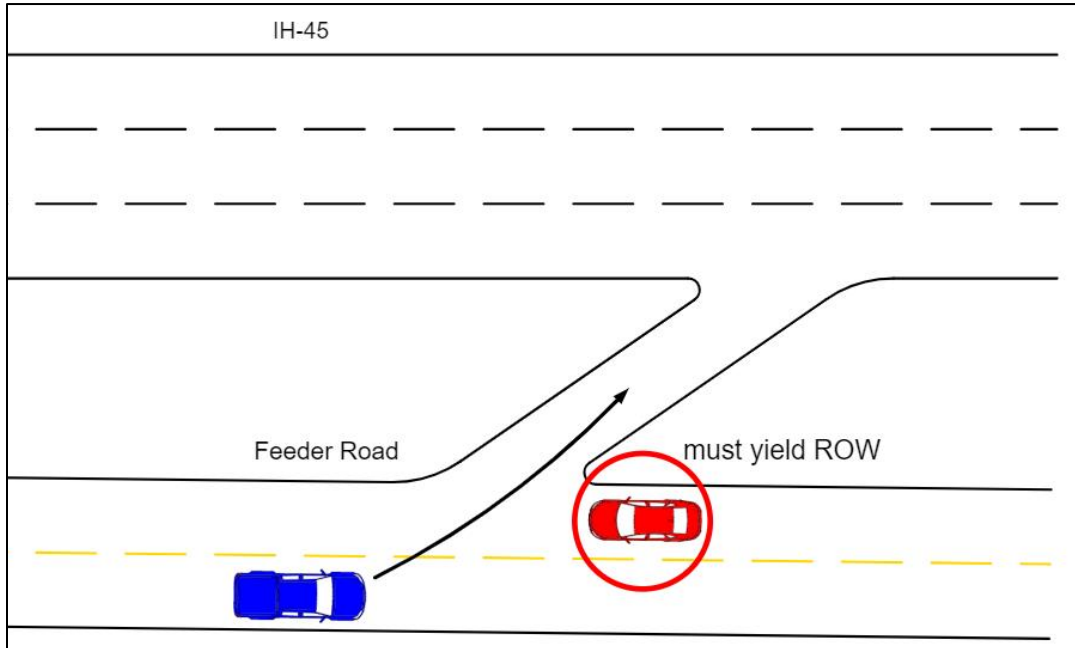
The contributing factor for this crash is **34 – Failed to Yield ROW – Private Drive**.



**Fail to Yield ROW to Vehicle Entering or Leaving Feeder Road (MC)**

**545.154 - Vehicle Entering or Leaving Limited-Access/Controlled-Access Highway**

This section only applies to vehicles traveling on the access/feeder road. It is most applicable on 2-way feeder roads where a vehicle may cross a lane of traffic to take an entrance ramp or when exiting the highway onto the feeder road. Traffic utilizing or attempting to utilize the ramp in either direction has the right-of-way over traffic driving on the feeder road. This section does not govern ROW when a vehicle is merging onto a freeway from a ramp.

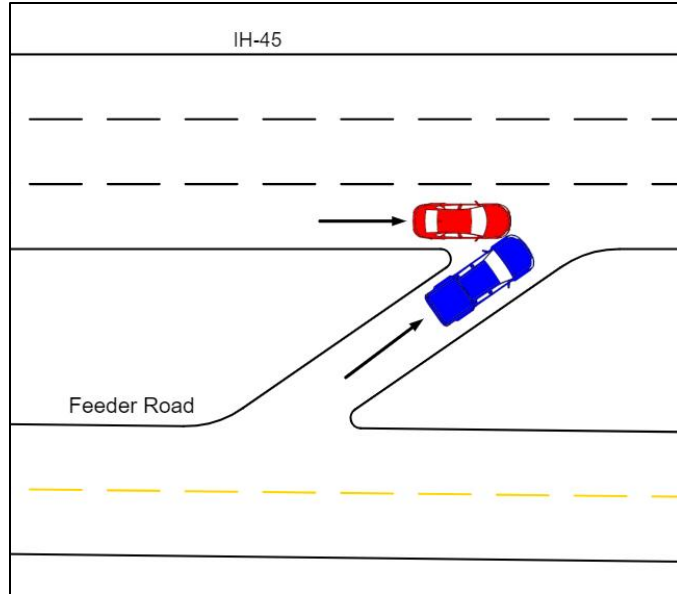


Does 545.154 govern ROW in this situation? **NO.**

545.154 is specific to a vehicle that is traveling on a feeder road.

**Who has the ROW here?**

The TRC does not specifically address ROW when one vehicle is merging onto a freeway from a ramp. Avoid “Changed Lanes when Unsafe” because the blue truck is not crossing lane lines – his lane is ending and merging. The most applicable factor is [Turned When Unsafe](#) for the blue pickup. Per 545.103, a vehicle may not turn the vehicle from a direct course or move right or left on a roadway unless the movement can be made safely. In this situation, the blue truck is moving left on the roadway when it is not safe to do so.



**Fail To Yield ROW - Private Drive (MC)**

[545.155 - Vehicle Entering Highway from Private Road or Driveway](#)

Traffic attempting to enter a highway from a private road, driveway, or parking lot must yield the right-of-way to all traffic already using the highway to be entered.

**Crash Example:**

parking lot

Is this **Failed to Yield ROW – Private Drive, Failed to Yield ROW Turning Left, or Failed to Yield ROW – Stop Sign?**

It depends on the timing.

If the red truck begins moving from the stop sign before the blue car enters the roadway from the parking lot, the red truck has ROW to make its turn and the blue car must wait because it must yield to all traffic utilizing the highway it is attempting to enter.

If the blue car enters the highway before the red truck comes to a stop at the stop sign, it has ROW to travel across the intersection and the red truck must yield after stopping at the stop sign.

The diagram shows a blue car exiting a parking lot onto a roadway. A red truck is turning left from the roadway onto the highway. A stop sign is located at the intersection of the parking lot and the roadway.

**Crash Example:**

The diagram illustrates a crash scenario at an intersection. A blue car, labeled 'Unit 1', is shown emerging from a 'parking lot' onto a roadway. A red minivan, labeled 'Unit 2', is shown making a legal pass on the roadway. A grey car is also shown on the roadway. Arrows indicate the direction of travel for each vehicle.

The red minivan is making a legal pass on the roadway. The blue car emerging from the private driveway is responsible for yielding ROW to any traffic utilizing the highway it is attempting to enter.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	34	

**Fail To Yield ROW To Emergency Vehicle, Medical Examiner, or Justice of the Peace (MC)**

**545.156 - Vehicle Approached by Authorized Emergency Vehicle**

Reference [541.201\(1\)](#) – definition of authorized emergency vehicle.

Reference [547.751](#) and [547.752](#) - emergency lights for Medical Examiner and Justice of the Peace Vehicles when responding to an inquest (Effective 9/1/23, per [HB 2616](#))

On the **immediate approach** of an authorized emergency vehicle, medical examiner vehicle, or justice of the peace using the required signals, an operator must:

- 1) **yield the right-of-way;**
- 2) immediately **pull as close as possible to the right** edge of the roadway clear of any intersection; and
- 3) **stop and remain standing** until the authorized emergency vehicle has passed.

**Required Equipment to Gain Right-of-Way:**

- Most Authorized Emergency Vehicles - audible **and** visual signals (lights and siren)
- Police Vehicles – audible **or** visual signals (only lights or only siren)
- Medical Examiner Vehicles and Justice of the Peace Vehicles - flashing red or red and blue emergency lights (New, Effective 9/1/23, per [HB 2616](#)). Note: ME and JP vehicles are not authorized emergency vehicles, but motorists just yield to them in the same manner.

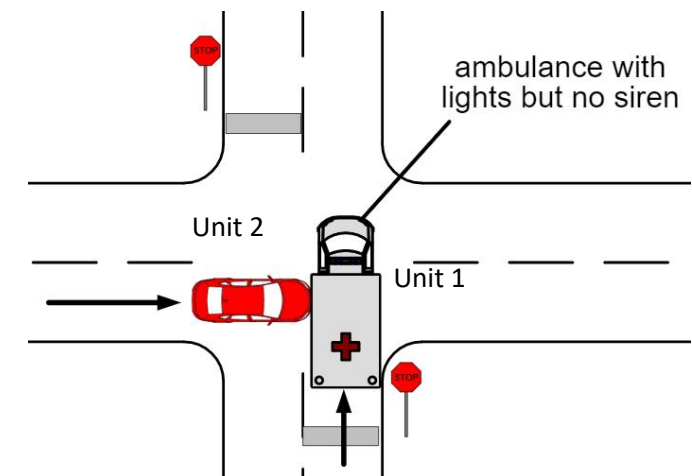
(b) Although emergency vehicles can gain the ROW using certain emergency equipment, they must still drive with due regard for the safety of all persons using the highway.

Reference [545.421 – Fleeing or Attempting to Elude Police Officer](#) – for a motorist who is purposely not stopping for a police vehicle giving an audible or visual signal to stop, 545.421 is a more appropriate section (it requires motorists to stop when given a signal to stop).

**Note:** The authorized emergency vehicle, medical examiner vehicle, or justice of the peace must be **approaching** for other traffic to be required to yield ROW. A vehicle that is approaching an authorized emergency vehicle from the rear has no obligations.

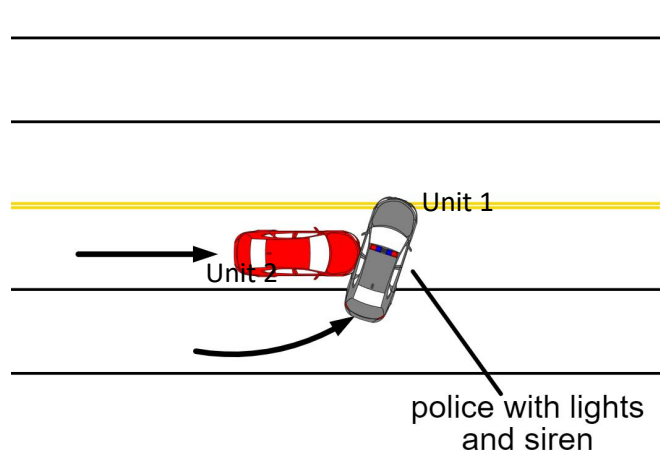
**Guidance** – At times, a motorist will pull to the left instead of the right when yielding to a peace officer attempting to conduct a traffic stop. Pulling to the left instead of the right for a traffic stop would constitute a violation of this section if the officer is able to articulate that the motorist was being approached by the police vehicle with emergency equipment activated prior to the stop. A police vehicle that is traveling the same speed as the violator when the emergency equipment is activated is no longer approaching and application of this section becomes difficult. It is recommended that emergency equipment be activated prior to matching speeds with the violator so that the obligation to pull to the right and stop is clear and articulable.

The offense/factor of **Failed to Yield ROW – Emergency vehicle** is often misapplied in crashes:



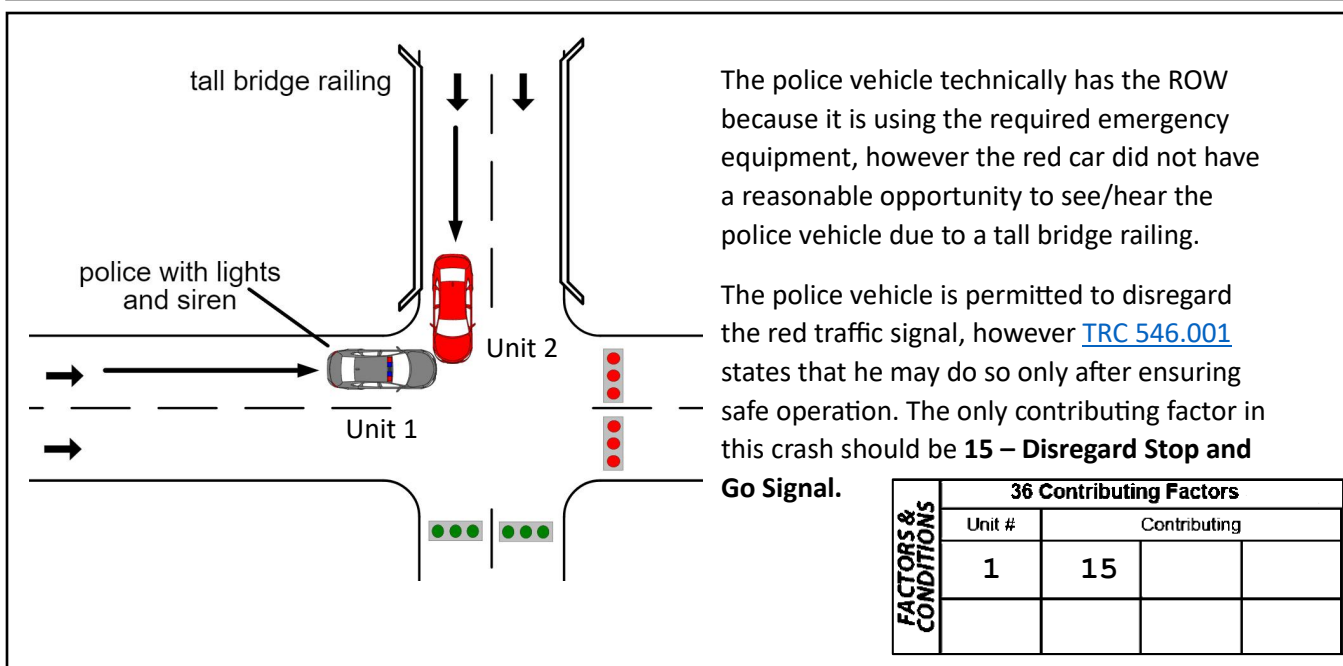
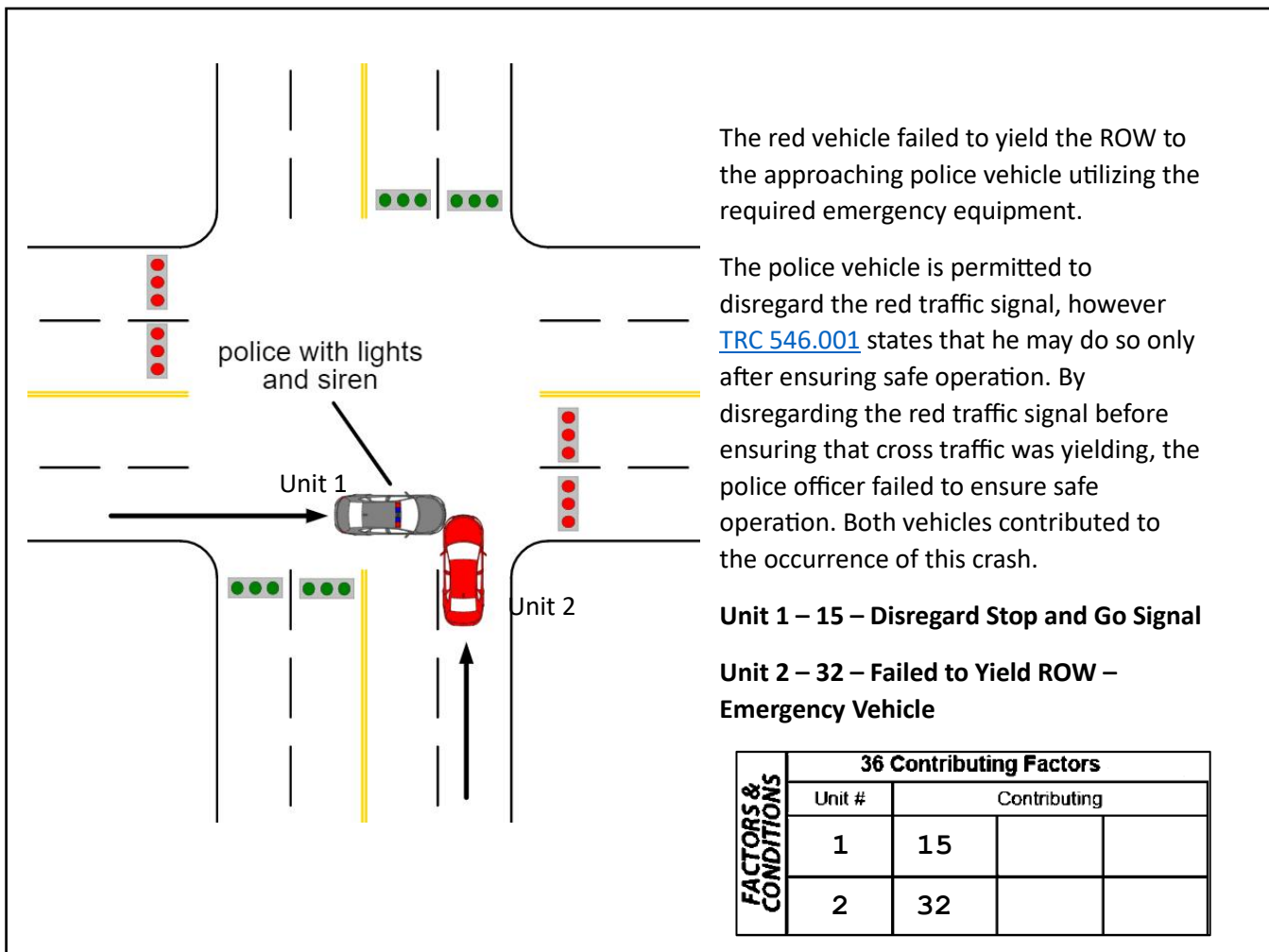
The ambulance must be using both its lights and siren to gain the ROW. Because the siren was not activated, the red car was under no obligation to yield. The ambulance Failed to Yield ROW – Stop Sign.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	35	

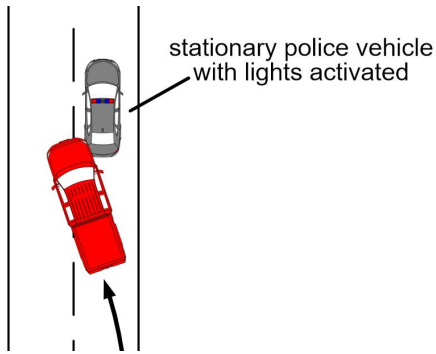


Although the police vehicle was utilizing its lights and siren as it began a U-turn from the shoulder, the red car was under no obligation to yield the ROW because the police vehicle was not approaching the red car. Instead, the red car was approaching the police vehicle. The police vehicle turned when unsafe.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	







The police vehicle is stationary while the officer works a previous crash. The driver of the red truck strikes the police vehicle as it passes. The contributing factor is not 32 – Failed to Yield ROW – Emergency Vehicle because the red truck was not being approached by the authorized emergency vehicle.

The correct contributing factor is **22 – Failed to Control Speed** or **78 – Failed to Slow or Move Over for Vehicles Displaying Emergency Lights** (depending on the circumstance, see next section).

### Failed To Slow or Move Over for Certain Vehicles (MC)

### Failed To Slow or Move Over for Certain Vehicles W/Previous Conviction within 5 Years (MC)

### Failed to Slow or Move Over for Certain Vehicles w/Bodily Injury (MA)

### Failed to Slow or Move Over for Certain Vehicles w/Bodily Injury Second or Subsequent (SJF)

#### [545.157 - Passing Certain Vehicles](#)

This is the “Move Over/Slow Down” law.

**(b)** when passing a vehicle described in (a), an operator must **either** vacate the nearest lane **or** reduce speed to at least 20 miles per hour below the posted speed limit. Vacating the nearest lane is only an option if the highway has two or more lanes moving in the same direction.

**IMPORTANT:** a vehicle that can vacate the nearest lane but chooses to reduce speed instead has not violated this section.

**(a)** Who is protected by this law?

**(1)** Stationary emergency vehicle using emergency lights.

**(2)** Stationary tow trucks using red flashing lights.

**(3)** TxDOT vehicles and highway construction and maintenance vehicles not separated from the roadway by a traffic channelizing device and using amber flashing lights (required). May also be using blue flashing lights (permitted). **NOTE:** this vehicle is not required to be stationary.

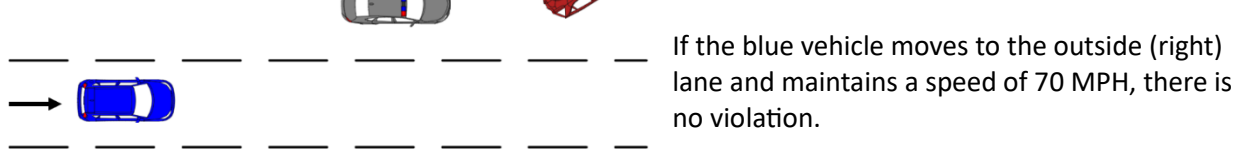
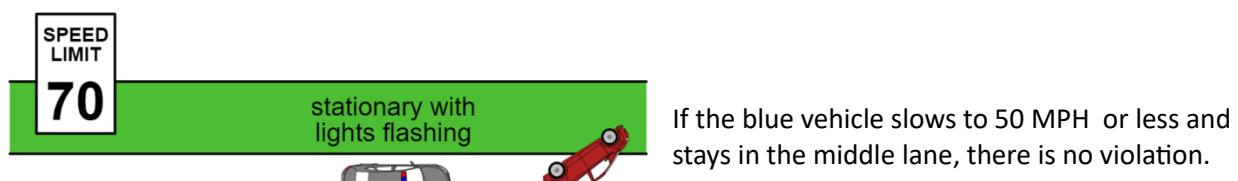
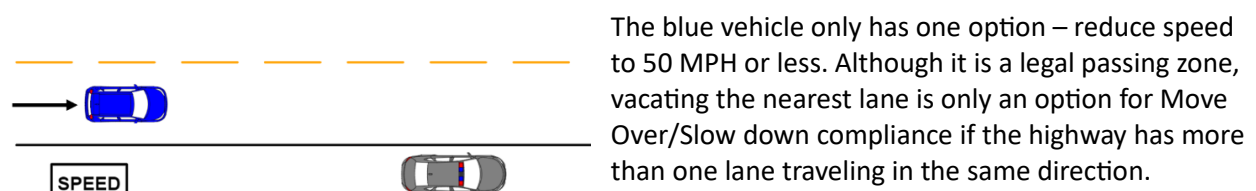
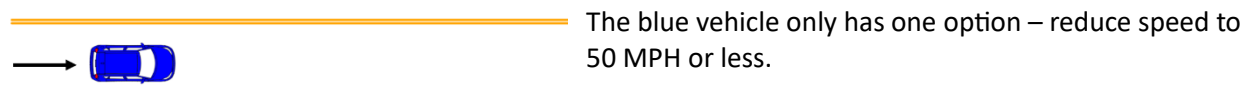
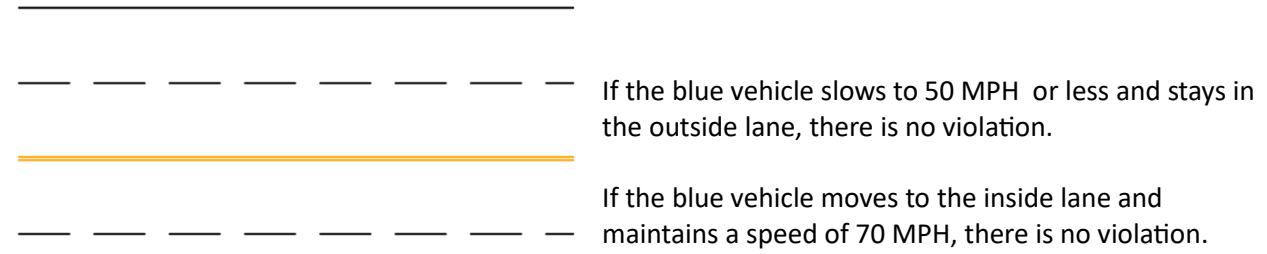
**(4)** Service vehicles operated by or for a utility and using amber flashing lights (required). May also be using blue flashing lights (permitted). **NOTE:** this vehicle is not required to be stationary.

**(5)** Stationary garbage trucks while collecting waste. **NOTE:** There are no specific lighting requirements. Garbage trucks should display flashing amber lights and may display blue lights, but these lights are not required for this section to apply.

**(6)** Vehicles operated by or pursuant to a contract with a toll project entity using amber flashing lights (required). May also be using blue flashing lights (permitted). This would include “Hero” program vehicles and other service and maintenance vehicles under toll project contract.

- First conviction – fine of \$500 to \$1,250
- Second or subsequent conviction within 5 years – \$1,000 to \$2,000
- Offense Causes bodily injury to another – Class A Misdemeanor
- Offense causes bodily injury with previous conviction for causing bodily injury – State Jail Felony

**Move Over/Slow Down – how to comply:**



## Move over/Slow Down in Crash Investigation

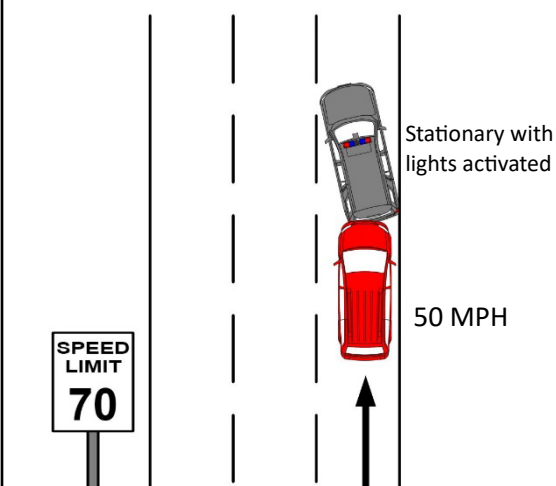
Per TRC 545.157, operators approaching certain vehicles must vacate the nearest lane or slow to a speed of 20 MPH or less below the posted speed limit. Contributing factor #78 should only be assigned if the investigator has evidence that neither of these requirements were met. The mere fact that a vehicle strikes another vehicle protected by TRC 545.157 does not automatically mean factor 78 applies.

**Prior to assigning Factor 78, the investigator should be able to answer “No” to both of the following questions:**

- 1) Did the vehicle in question vacate the lane nearest to the protected vehicle prior to the crash?
- 2) Did the vehicle in question reduce its speed to at least 20 MPH below the posted speed limit prior to the crash?

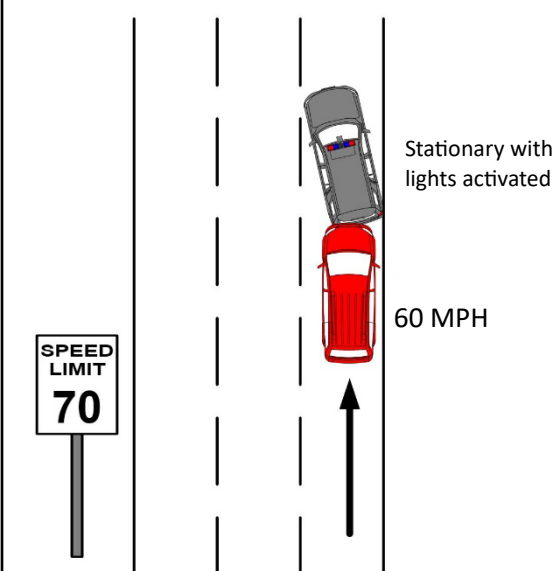
If the answer is “**YES**” to **EITHER** of these questions, “Failed to Slow/Move Over” should **not** be used as a factor.

### Examples/Discussion:



The speed limit on the roadway is 70 MPH. The red car is traveling 50 MPH but the driver is not paying attention.

Factor 78 does not apply to this crash because the driver was traveling at least 20 MPH below the posted speed limit and was therefore in compliance with 545.157. The contributing factor is **22 – Failed to Control Speed** because the driver struck another vehicle that was on the highway in compliance with the law.



The speed limit on the roadway is 70 MPH. The red car is traveling 60 MPH based on CDR analysis.

Factor 78 applies to this crash because the driver of the red car did not vacate the nearest lane or reduce speed to at least 20 MPH below the speed limit.

The fire truck is traveling 30 MPH with its emergency lights activated. The driver of the blue van approaches from behind at 70 MPH and rear-ends the fire truck.

Factor 78 does not apply to this crash because the fire truck was not stationary and therefore Move Over/Slow Down was not in effect. The contributing factor would be **22 – Failed to Control Speed** because the driver of the blue van struck another vehicle that was on the highway in compliance with the law.

The speed limit on the roadway is 70 MPH. The red car is traveling 60 MPH based on CDR analysis.

Factor 78 applies to this crash because the driver of the blue car did not vacate the nearest lane or reduce speed to at least 20 MPH below the speed limit. The TXDOT vehicle is not required to be stationary for Move Over/Slow Down to apply. It only needs its amber lights flashing ([545.157](#)).

The blue truck is traveling 70 MPH and vacates the lane nearest the stationary emergency vehicle, however the vehicle strikes an icy patch and loses control. The vehicle spins out on the roadway and strikes the stationary patrol vehicle. Factor 78 would not be an applicable factor in this crash. The crash occurred because the approaching motorist was traveling at an unsafe speed for the roadway conditions - factor **60 – Unsafe Speed**. The vehicle was in compliance with 545.157 at the time it lost control because it had vacated the nearest lane.

## RAILROAD CROSSINGS, SPECIAL STOPS AND SPEED RESTRICTIONS

### Disregard Signal at RR Crossing (MC)

### Disregard RR Crossing Gate Or Flagman (MC)

### Fail To Stop For Approaching Train or On-Track Equipment-Whistled (MC)

### Fail To Stop For Approaching Train or On-Track Equipment-Hazardous Proximity (MC)

### Fail To Yield Right Of Way At Railroad Crossing-Hazardous Proximity (MC)

### Failed to Stop at Designated Location for Signal Indicating Approach of Train or On-Track Equipment (MC)

#### 545.251 - Obedience to Signal Indicating Approach of Train

Simply stated, vehicles must stop and yield to trains and other on-track equipment (special equipment operating on the railroad tracks). The train always has the right-of-way. A vehicle approaching a railroad crossing must stop if there is an indication that a train is approaching.

An operator approaching a railroad grade crossing shall stop **not closer than 15 feet or farther than 50 feet** from the nearest rail if any of the following are present:

- (1) a clearly visible railroad signal warns of the approach of a railroad train
- (2) a crossing gate is lowered, or a flagger warns of the approach or passage of a train
- (3) a railroad engine approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the engine is an immediate hazard because of its speed or proximity to the crossing
- (4) an approaching railroad train is plainly visible to the operator and is in hazardous proximity to the crossing

An operator of a vehicle required to stop shall remain stopped until permitted to proceed and it is safe to proceed.

### Fail To Stop At Marked RR Crossing (MC)

#### 545.252 - All Vehicles to Stop at Certain Railroad Grade Crossings

If TXDOT or a local authority deems a certain railroad grade crossing particularly dangerous, they may erect a **stop sign** requiring all drivers stop prior to crossing regardless of whether or not a train is approaching. A vehicle that fails to stop for this sign commits a violation.

### Bus Failed To Stop At RR Crossing (MC)

#### 545.253 - Buses to Stop at All RR Grade Crossings

A motor bus carrying passengers for hire is required to stop 15-50 feet from the nearest rail, listen and look both directions while stopped, and proceed when it is safe to do so. **This is not required in a business or residence district** (see definitions in [541.102](#)).

### School Bus Failed to Stop at RR Crossing (MC)

#### [545.2535 - School Buses to Stop at All RR Grade Crossings](#)

School buses are required to stop 15-50 feet from the nearest rail, listen, look in both directions, and proceed when safe to do so.

The requirement for school buses to stop at the railroad tracks does not apply to out of service tracks or industrial spur lines marked "Exempt".

### Vehicle Hauling Explosives/Flammable Materials Failed To Reduce Speed At RR Crossing (MC)

### Vehicle Hauling Explosives/Flammable Materials Failed To Stop At RR Crossing In Town (MC)

#### [545.254 - Vehicles Carrying Explosive Substances or Flammable Liquids](#)

Vehicles carrying explosive substances or flammable liquids (see definitions, [Reference 541.401\(2\) and \(3\)](#)) at a speed more than 20 mph shall reduce speed to 20mph before coming within 200 feet of the tracks, shall listen and look in both directions, and shall proceed only when safe to do so. **If crossing in a municipality**, these vehicles are required to come to a stop before crossing railroad tracks.

**Important:** These requirements do not apply in a variety of circumstances, including at railroad crossings with flashing red lights that are not activated.

### Fail To Yield ROW - Emerging From Alley, Driveway, Or Building (MC)

#### [545.256 - Emerging from an Alley, Driveway or Building](#)

An operator emerging from an alley, driveway, or building in a business or residential district shall stop before moving on a sidewalk or the area of a sidewalk that extends across the alley or driveway and must yield right-of-way to pedestrians on the sidewalk and traffic on the roadway to avoid a collision.

[Reference 541.102](#) – Definitions of business and residential districts

[Reference 541.302\(16\)](#) – Definition of sidewalk

## STOPPING, STANDING, AND PARKING

**IMPORTANT:** When determining the legality of a vehicle stopping, standing, or parking, you must first determine whether or not the vehicle is in a business or residence district because there are different rules outside these areas.

### Stop, Stand, or Park on Main Traveled Way Outside of Business or Residence District (MC)

#### 545.301 - Stopping, Standing, Parking Outside Business or Residence District

**When outside business or residential districts,** stopping, standing, or parking on the roadway is prohibited unless all of the following conditions are present:

- (1) Stopping, parking or leaving the vehicle off the roadway is not practical
- (2) A width of highway beside the vehicle is unobstructed and open for passage of vehicles, and;
- (3) The stopped vehicle is in clear view for at least 200 feet

If the stop could practically be made somewhere other than the roadway (i.e. on the shoulder, in a private drive, etc.) then the stop would be a violation of this section when made in the roadway.

Reference [541.102](#) – Definitions of business and residential districts

Reference [541.401](#) – Definitions of stop, stand, and park

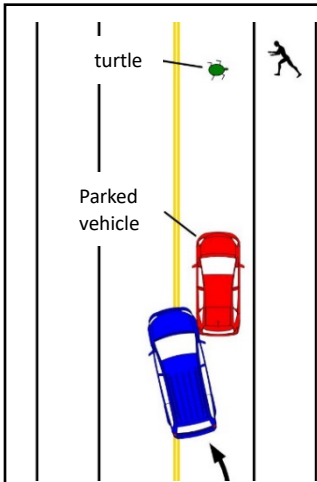
**Important:** Remember the definition of “stop when prohibited” (TRC 541.401). Does not apply when a vehicle is complying with the directions of a peace officer, a traffic control signal, or to avoid conflict with other traffic. A vehicle stopped in the roadway in one of these situations cannot be considered to be in violation of this section.

#### **Exceptions to this Section:**

- (1) disabled vehicles that cannot be moved or stopped elsewhere
- (2) trash trucks picking up trash
- (3) tow trucks performing towing duties

These vehicles are frequently stopped in the roadway but they are not in violation of this section.

#### **Examples/Discussion:**

 <p>The diagram shows a road with a yellow center line and black edge lines. A green turtle is crossing the road from left to right. A red car is parked in the traffic lane, facing right. A blue car is approaching from behind the red car, also facing right. A person is standing next to the red car, appearing to assist the turtle. Labels include 'turtle', 'Parked vehicle', and an arrow pointing to the blue car.</p>	<p>The driver of the red car sees a turtle attempting to cross the road. She parks in the traffic lane, exits the vehicle, and is attempting to assist the turtle when her vehicle is struck by the blue vehicle.</p> <p>The red vehicle is illegally stopped, standing or parked because the driver could have kept the main lane clear by parking on the improved shoulder.</p> <p><b>What about Failed to Control Speed on the blue vehicle?</b> The red car is illegally parked, therefore it is not on the highway in compliance with the law and Failed to Control Speed does not apply. If the investigator feels the driver of the blue vehicle should have been able to see and avoid the red car given the visibility and traffic situation, a factor such as 41 – Faulty Evasive Action or 20 – Driver Inattention could apply to the blue vehicle.</p>
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parked vehicle  
 RESIDENCE DISTRICT (TRC 541.102)

The red vehicle is legally parked in the roadway because the location meets the definition of a residence district. The blue vehicle strikes the red car.

Contributing factor 55 – Parked in Traffic Lane **does not** apply to the red car because it is legally parked. The contributing factor is **22 – Failed to Control Speed** on the blue vehicle.

Unit 1  
 Unit 2  
 Unit 3  
 stopped at yield sign due to cross-traffic

The TTST is stopped at the required place to yield to cross-traffic and has been stopped for approximately 20 seconds. The trailer extends into the previous intersection and the blue vehicle strikes the trailer.

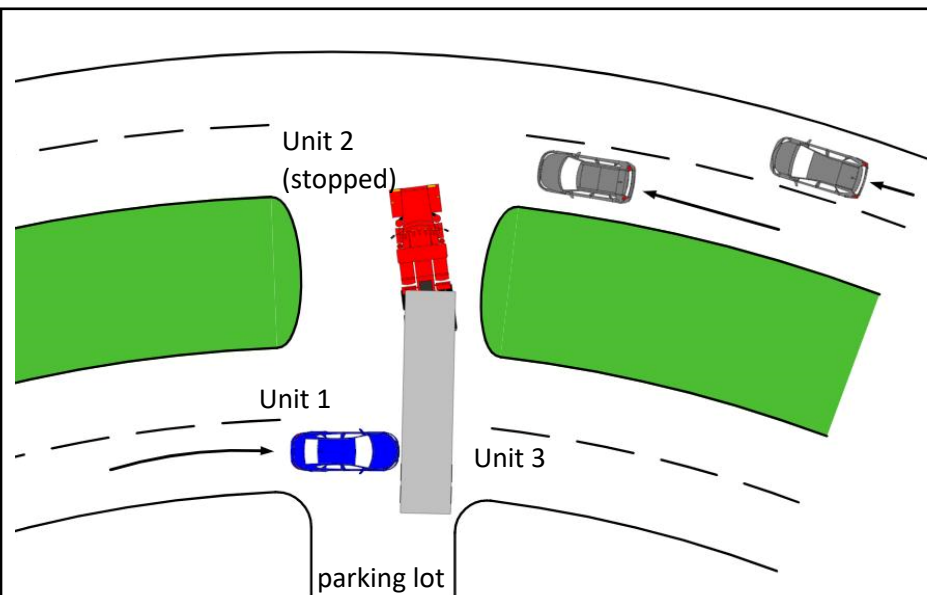
The TTST is not illegally stopped in this location because it is stopped as required by a traffic control device and to avoid conflict with other traffic. Factor 55 does not apply because the TTST is legally stopped/standing.

The contributing factor is **22 – Failed to Control Speed** on the blue vehicle because it struck another vehicle that was on the highway in compliance with the law.

**Note:** The timing is extremely important in a crash like this. If the TTST left the stop sign at the previous intersection when the blue vehicle was so close that it should have been granted ROW, the contributing factor would be 35 Failed to Yield ROW – Stop Sign on the TTST. If, however, the blue vehicle was not in the area when the TTST left the stop sign and proceeded to the yield sign at the next intersection the responsibility to control speed and avoid the TTST falls on the driver of the blue vehicle when he comes into this area.

Crashes like this can be very complicated – additional considerations need to be made for roadway and traffic considerations, daytime/nighttime conditions, and roadway speed limits. Each crash and the legality of the actions of the drivers must be evaluated on a case by case basis.

**What if there is not a stop or yield sign in the crossover?** See next example



**What if there is not a stop or yield sign in the median?**

Unit 2 pulls from a private drive and stops in the center median to yield to traffic. Unit 1 approaches traveling eastbound and strikes the trailer extending across the roadway.

As with the previous example, the timing and

visibility in the area is very important. Before exiting the private drive, Unit 2 is required to yield ROW to traffic approaching on the highway he is attempting to enter (he must yield to both sides of the divided highway before exiting the private drive).

If Unit 2 pulls into the path of Unit 1 when Unit 1 is in close proximity, the contributing factor is fairly obvious – **34 – Failed to Yield ROW – Private Drive**.

If the driver of Unit 2 pulls from the private drive knowing that he will have to stop in the roadway to yield to the westbound vehicles, the driver of Unit 2 can be considered to be illegally stopped in the roadway. If Unit 2 is illegally stopped in the roadway and then Unit 1 approaches and strikes the illegally stopped vehicle, the contributing factor would be **55 – Parked in Traffic Lane** on Unit 2. Unit 1 may also be assigned a factor in this circumstance for being inattentive or for failing to take an appropriate evasive action, but this will have to be evaluated on a case-by-case basis depending on visibility and timing.

**There is a conceivable scenario, however, when Unit 2 would not be assigned a contributing factor.** If the roadway appeared to be clear in both directions when Unit 2 began pulling out of the private drive, but then as the driver entered the center median the westbound vehicles became visible, Unit 2 would have to stop to avoid conflict with the westbound traffic. A vehicle that is stopped in the roadway to avoid conflict with other traffic is not considered to be illegally stopped in the roadway (see [541.401\(10\)\(B\)](#) – definition of “stopped when prohibited”). This is distinguishable from the scenario in the paragraph above because in this scenario, the driver of Unit 2 could not see the westbound traffic prior to exiting the private drive. If Unit 2 is legally on the highway, the obligation shifts to Unit 1 to avoid striking a vehicle that is on the highway in compliance with the law. The contributing factor could be **22 – Failed to Control Speed** on Unit 1, or if the circumstance is just too unusual, **98 – Other** with an explanation of why Unit 2 and 3 were stopped in the roadway.

**Stop, Stand, Or Park Double (MC)**

**Stop, Stand, Or Park On A Sidewalk (MC)**

**Stop, Stand, Or Park Within An Intersection (MC)**

**Stop, Stand, Or Park On A Crosswalk (MC)**

**Stop, Stand, Or Park Between Safety Zone And Curb (MC)**

**Stop, Stand, Or Park Alongside Or Opposite Street Excavation/Obstruction (MC)**

**Stop, Stand, Or Park Upon Bridge Or In A Tunnel (MC)**

**Stop, Stand, Or Park On Railroad Track (MC)**

**Stop In Prohibited Area (MC)**

**Stand Or Park In Front Of Public Or Private Driveway (MC)**

**Stand Or Park Within 15 Feet Of Fire Hydrant (MC)**

**Stand Or Park Within 20 Feet Of Crosswalk At Intersection (MC)**

**Stand Or Park Within 30 Feet Of Traffic Control Device (MC)**

**Stand Or Park 20 Feet Of Driveway Or Opposite Entrance To Fire Station (MC)**

**Stand In Prohibited Area (MC)**

**Park Within 50 Feet Of RR Crossing (MC)**

**Park In Prohibited Area-No Parking Zone (MC)**

### **[545.302 - Stopping, Standing, Or Parking Prohibited in Certain Places](#)**

**Important:** The prohibitions in this section do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic control device. **Example:** It is normally a violation to stop, stand, or park a vehicle in an intersection, however if a vehicle stops in an intersection before turning left and remains standing in the intersection to avoid conflict with the oncoming traffic it is required to yield to, the vehicle is not committing the violation of “Stopped, Standing, or Parked Within an Intersection” because it is avoiding conflict with other traffic.

The following regulations apply regardless of whether or not the vehicle is in a business or residential district.

**Reference** [541.401](#) – definitions of stop, stand, and park.

A vehicle may not **stop, stand, or park:**

- (1) On the roadway side of an already parked vehicle (i.e. “double parked”)
- (2) On a sidewalk
- (3) In an intersection
- (4) On a crosswalk
- (5) Between safety zones

- (6) alongside or opposite street excavation if obstructing traffic
- (7) On a bridge or elevated structure on a highway or in a tunnel
- (8) On a railroad track
- (9) Where an official sign prohibits it

An “official sign” prohibiting parking, stopping, or standing – a vehicle stopped, standing, or parked in this area is in violation of 545.302 (Stop, Stand, or Park in Prohibited Area).



Aside from picking up or discharging passengers, a vehicle may not **stand or park** an occupied or unoccupied vehicle in the following places:

- (1) In front of a public or private driveway
- (2) Within 15 feet of a fire hydrant
- (3) Within 20 feet of a crosswalk at an intersection
- (4) Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal
- (5) Within 20 feet of the driveway entrance (75 feet if on the opposite side of the road) of a properly marked fire station
- (6) Where an official sign prohibits standing

Aside from temporarily loading or unloading merchandise or passengers, an operator may not **park** an occupied or unoccupied vehicle:

- (1) Within 50 feet of the nearest rail of a railroad crossing
- (2) Where an official sign prohibits parking

**Park With Wheels (Left Or Right) Over 18 From Curb-Or Edge Of Roadway (MC)**

**Park Facing Traffic (MC)**

**Park, Stand, Stop In Prohibited Area When Signed (MC)**

**545.303 - Additional Parking Regulations**

**NOTE:** the provisions in this section only apply to vehicles parked on the “roadway” (i.e. main traveled portion of the highway). Vehicles parked on the shoulder are not governed by this section.

When a vehicle is parked on a two way roadway, the right side wheels must be within 18 inches of the curb or edge of the roadway. On a one-way roadway, the wheels can be within 18 inches of either curb as long as the vehicle is facing the correct direction in compliance with traffic flow on the roadway.

This ensure parked vehicles are facing the same way as traffic. This is particularly important at night when red reflectors on the rear of parked vehicles give warning of the vehicle’s presence. It also ensures safety when the parked vehicle begins movement because it will begin moving in the correct direction.

TXDOT may place signs prohibiting or restricting the stopping, standing, or parking of a vehicle on the highway (entire right-of-way) in locations deemed unsafe or where parked vehicles would interfere with the free movement of traffic.

## TOWING OF VEHICLES BY LAW ENFORCEMENT

### [545.305 - Removal of Unlawfully Stopped Vehicles](#)

This section gives peace officers the authority to remove/tow vehicles. When removing a vehicle, officers should ensure they have statutory authority under this section (or [545.3051](#)).

**NOTE:** Some agencies routinely tow vehicles when officers encounter an unlicensed or uninsured driver. The driver is cited and released on foot. These agencies are generally doing so under local ordinances that have been enacted in their jurisdictions. Generally speaking, a peace officer does not have legal standing to tow a vehicle simply because the driver is unlicensed or uninsured when the driver is not arrested. If the driver is not arrested, the vehicle should only be towed if reasonable facts can be articulated that it meets one of the below criteria.

[Texas Attorney General Opinion KP-0034](#) – (dealing specifically with uninsured motorists) – Municipalities have authority to adopt ordinances mandating the towing of a vehicle if the driver fails to provide evidence of financial responsibility/insurance. In some circumstances, a peace officer can articulate the need to tow an uninsured vehicle because it is a hazard to public safety.

**Peace officers as described by Article 2.12 of the Code of Criminal Procedures may remove vehicles described in the following circumstances:**

- (1) Vehicles left unattended on a bridge, viaduct or tunnel **AND** obstructing traffic
- (2) Vehicles unlawfully parked and blocking a private drive
- (3) Vehicles reported stolen
- (4) Vehicles identified as stolen in a warrant
- (5) Vehicles left unattended and abandoned more than 48 hours (orange 48 hour stickers)
- (6) Vehicles disabled and the owner is incapacitated and cannot move it or the owner is not in the immediate area
- (7) Vehicles disabled and owner does not designate a tow company
- (8) Vehicles operated by an arrested person in custody
- (9) Vehicles that are a hazard, interfere with normal function of government agency, or due to catastrophe, emergency or unusual circumstance, is imperiled.

The owner of the removed vehicle is responsible for the cost of removal and storage.

**Reference** – [General Manual Chapter 24](#) – DPS guidance for towing vehicles and handling property.

**Reference** – [Code of Criminal Procedure Art. 18.23](#) – if a peace officer directs the towing for evidentiary or examination purposes, the officer’s agency is responsible for the cost of towing.

**Reference** [Occupational Code 2308.451](#) – if a peace officer directs the towing of a vehicle and is not covered under an authorized circumstance, the officer’s agency is responsible for towing/storage cost.

**Reference** [545.420](#) – peace officers are required to impound a vehicle used in the commission of a racing offense under 545.420 or Obstructing Hwy Passage Engaging in Reckless Driving Exhibition ([PC 42.03](#)).

### [545.3051 - Removal of Personal Property From Roadway Right-of-Way](#)

An “authority”, fire department, or law enforcement agency may remove personal property from the highway right-of-way if the property blocks the roadway or endangers public safety. “Authority” and “Personal Property” are both defined in this section.

## SPEED RESTRICTIONS

### Speeding-10% Or More Above Posted Speed (MC)

#### Speeding Over Limit (MC)

##### 545.351 - Maximum Speed Requirement

An operator may not drive at a speed greater than is reasonable and prudent under existing circumstances. Reference [545.352\(a\)](#) – the speed limit is considered to be the reasonable and prudent speed under normal driving conditions. Exceeding the speed limit is prima facie evidence of an unreasonable, imprudent speed, and therefore a violation exists.

##### 545.352 - Prima Facie Speed Limits

For the purpose of enforcing 545.351, a speed that is in excess of the speed limit is considered to be unreasonable, imprudent, and unlawful.

If a speed limit is not posted, the following speeds are considered to be the speed limit in each of the following circumstances or on each of the following roadway types:

- Urban District - 30 MPH (defined in 545.352(d)(3))
- Alley - 15 MPH
- State Highway - 70 MPH
- US/IH - 70 MPH
- Farm to Market or Ranch to Market road - 70 MPH
- County Road - 60 MPH
- School Bus with a CMV Inspection - 60 MPH
- School Bus without a CMV Inspection - 50 MPH
- Beach - 15 MPH

**Why is 10% Over the Limit important?** Per [542.304](#), a speeding violation of less than 10% faster than the posted speed limit is not considered a moving violation. Using the 10% arrest title quickly identifies the violation as a moving violation. Note: Any speeding violation in a school crossing zone is considered to be a moving violation regardless of percentage over the posted limit.

### Unsafe Speed (MC)

##### 545.351 - Maximum Speed Requirement

An operator may not drive at a speed greater than is reasonable and prudent under existing circumstances.

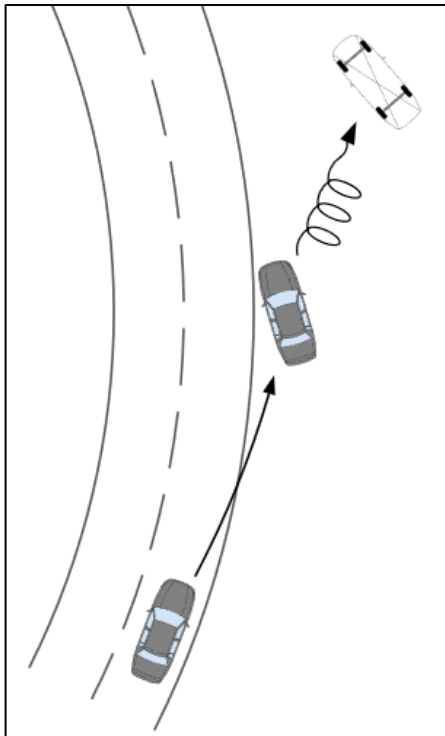
An operator shall drive at an appropriate reduced speed if:

- (1) Approaching and crossing an intersection or RR grade crossing
- (2) Going around a curve
- (3) Approaching a hillcrest
- (4) Traveling on a winding or narrow roadway, **and**
- (5) a special hazard exists with regard to traffic or weather or highway conditions.

**Unsafe Speed as a contributing factor** – Unsafe speed is a common contributing factor for crash investigations. Confusion often exists when a vehicle loses control due to unsafe speed and subsequently strikes another vehicle. Should the contributing factor be **Unsafe Speed**, or should it be changed to **Failed to Control Speed** because another vehicle was struck? Remember, contributing factors describe **why** a crash happened. If a vehicle lost control due to unsafe speed for the roadway conditions, **Unsafe Speed** should be the contributing factor even if the vehicle struck another vehicle after losing control. There is nothing in the CR-100 that states an unsafe speed crash must be a single vehicle crash.

**Unsafe Speed Guidance**

“Unsafe Speed” is often erroneously used as a default contributing factor when a vehicle runs off the roadway and crashes, especially when a curve or wet roadway is involved.



Is “Unsafe Speed” the correct contributing factor for this crash?  
Maybe.

The vehicle failed to maintain a marked lane, so contributing factor “23 – Failed to Drive in a Single Lane” applies.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	23	?

The next question is, why did the vehicle run off the roadway?

- 19 – Distraction in Vehicle
- 20 – Driver Inattention
- 40 – Fatigued or Asleep
- 41 – Faulty Evasive Action
- 47 – Ill
- 60 – Unsafe Speed
- 61 – Speeding Over Limit
- 67 – Under Influence – Alcohol
- 68 – Under Influence – Drugs
- 74, 75, 76, 77 – Cell/Mobile Device Use

There are many reasons the vehicle may have run off the road. It may have been unsafe speed, but before using that factor, make sure you can articulate how their speed was not reasonable and prudent for the roadway conditions.

**What about showing both Failed to Drive in a Single Lane and Unsafe Speed as contributing factors?** If a vehicle crashes on a multi-lane roadway due to unsafe speed, both factors are technically present, however the purpose of the contributing factors is to describe why the crash occurred. In an unsafe speed crash, the crash occurs because of the vehicle’s unsafe speed. The lane departure takes place after the driver loses control and the crash is imminent. In this situation, use only factor 60.



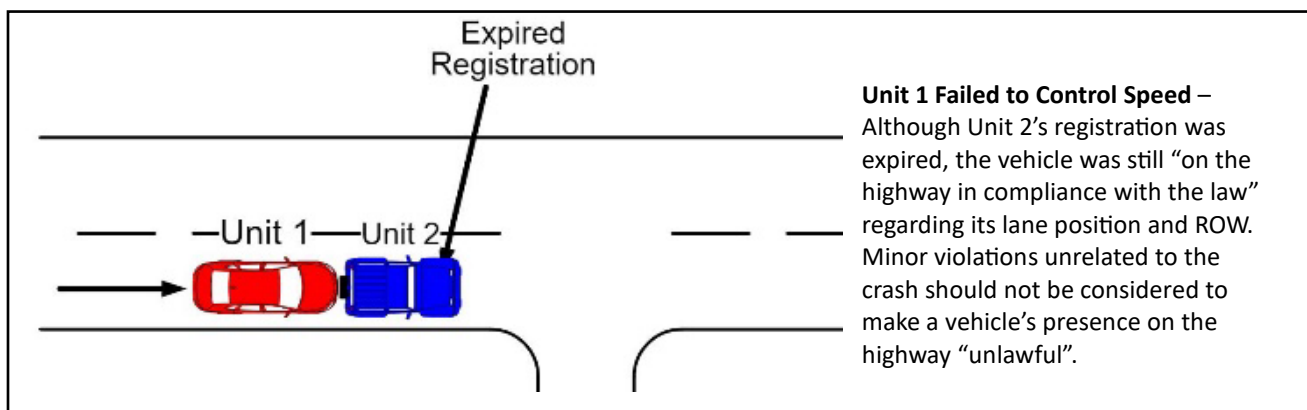
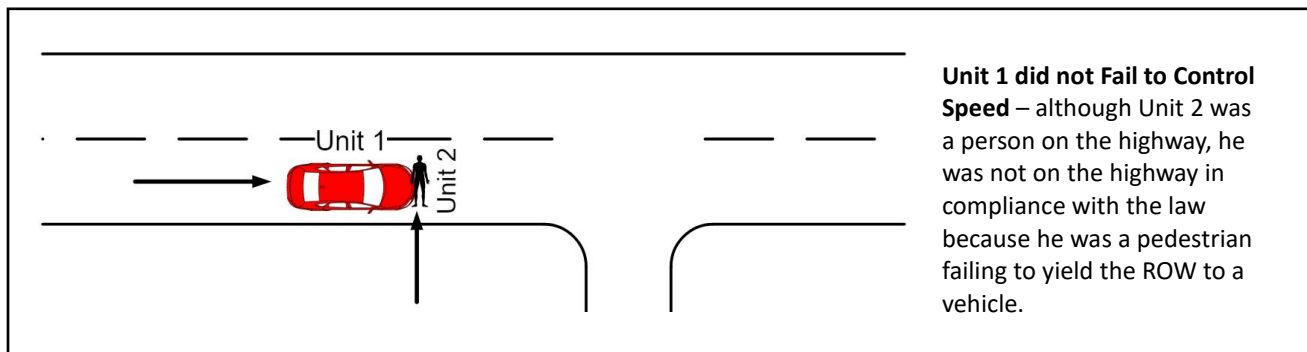
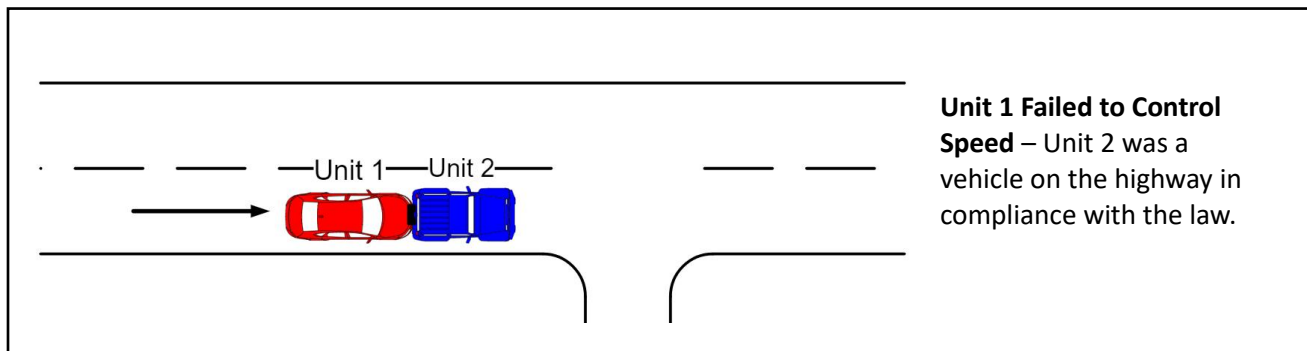
## Fail to Control Speed (MC)

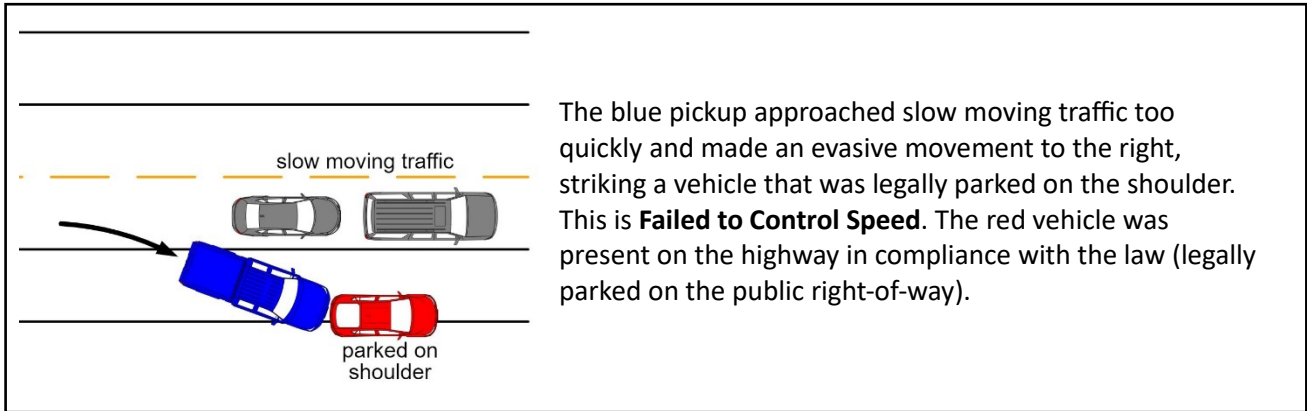
### 545.351 - Maximum Speed Requirement

An operator may not drive at a speed greater than is reasonable and prudent under existing circumstances and shall control the speed of the vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care.

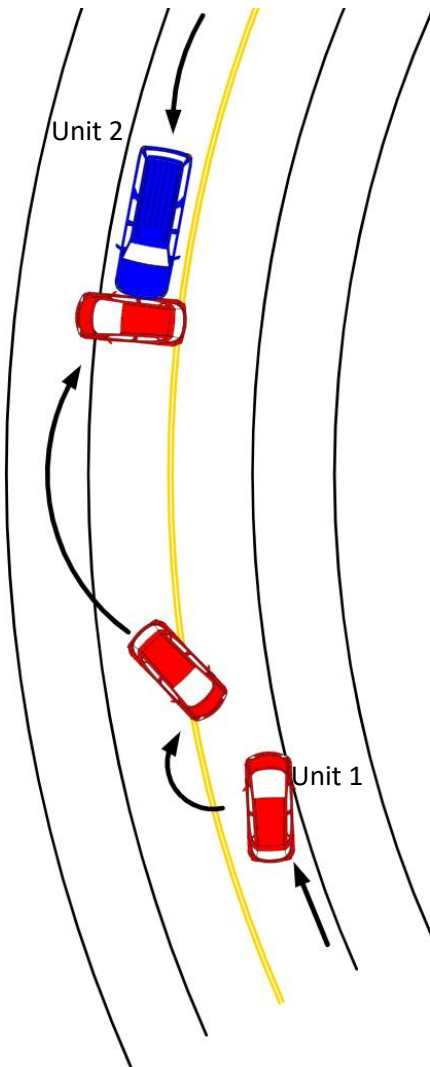
**Fail to Control Speed as a Contributing Factor** – this factor cannot be used in a single vehicle crash because another person or vehicle must be struck by the violator. The vehicle or person struck **must be on the highway in compliance with the law**, meaning their location and vehicle position were lawful and they were abiding by proper right-of-way (Note: a vehicle with an expired registration can still be considered to be “on the highway in compliance with the law” for the purposes of this arrest title as long as its position is correct and it is abiding by normal rules of right-of-way).

#### Failed to Control Speed Examples:





**Failed to Control Speed or Unsafe Speed?**



The red car is traveling too fast for a wet roadway in a curve and spins out. It crosses the centerline and strikes an oncoming vehicle.

Is the most accurate factor **22 – Failed to Control Speed**, or **60 – Unsafe Speed**?

Although the red car did strike another vehicle that was on the highway in compliance with the law, the primary reason the crash occurred is because the red car was driving too fast for the roadway conditions. The most accurate contributing factor is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	60	

“Unsafe speed” can still apply even if another vehicle or person is struck during the crash. **The contributing factors are not meant to describe what happened during the crash. They are meant to describe why the crash occurred.**

## Impeding Traffic (MC)

## Speed Under Minimum (MC)

### [545.363 - Minimum Speed Regulation](#)

An operator may not drive so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation. Most roadways do not have a posted minimum speed, therefore enforcement for impeding traffic is based on an officer's ability to articulate how the normal and reasonable movement of traffic was impeded.

Roadway conditions, passing zones, improved shoulders, maximum safe operating speed for the vehicle in question, and number of vehicles impeded should be observed and documented when filing a charge under this section. Officers should be able to articulate why it was not necessary for the vehicle to be going as slowly as it was going for safety reasons.

**Reference TXDPS Administrative Code – [Title 37, Part 1, Rule 3.24](#)** – This section of the administrative code contains interpretations for enforcement of impeding traffic:

1. Impeding traffic should not be enforced against a vehicle that is traveling at or near the speed limit.
2. A vehicle can still be considered to be impeding traffic even when going as fast as the vehicle can safely be operated if the operator has the opportunity to drive on the shoulder to allow traffic to pass but does not.



If an actual minimum speed limit is posted, it is a violation to travel below the minimum posted limit (arrest title **Speed Under Minimum**). A vehicle may travel below the posted minimum speed limit if necessary to comply with law (i.e. stopping for traffic lights, yielding ROW, etc.) or when reduced speed is necessary for safe operation.

## MISCELLANEOUS RULES FROM CHAPTER 545

## Reckless Driving (MB)

### [545.401 - Reckless Driving](#)

A person commits this offense if they operate a vehicle in willful or wanton disregard for the safety of persons or property. This is one of the few TRC violations that can be enforced in areas other than on public highways. Reckless Driving can be filed in parking lots or other public places as long as the officer can articulate the willful or wanton disregard for safety. This offense carries a fine and the possibility of jail time, which makes it a Class B Misdemeanor (see [Penal Code 12.41](#)). Because this offense is a Class B Misdemeanor, officers should arrest the offender. Do not cite and release.

When filing this offense, articulation is key – the officer must illustrate “willful or wanton disregard” for safety.

**Case Law** – [White v. State, 647 S.W.2d 751](#), the appeals court essentially established a definition for **willful or wanton disregard** - *the deliberate conscious indifference to the safety of others*.

## Unsafe Start From Parked/Stopped/Standing Position (MC)

### [545.402 - Moving a Parked Vehicle](#)

Movement of a stopped, standing, or parked vehicle cannot begin until such movement can be made safely. The arrest title for this violation is **Unsafe Start from Stopped, Standing, or Parked Position**. This violation is associated with crash contributing factor 49 – Improper Start from Parked Position.

**Reminder:** A charge for this offense cannot be filed in a parking lot (Subtitle C applicability, [542.001](#)).

**Enforcement Example:** Unit 1 is stopped behind Unit 2 at a red light. The driver of Unit 1 thinks traffic is moving again and pulls forward, striking the back of Unit 2. Officers often file a charge of “Failed to Control Speed” in this scenario, however “Improper/Unsafe Start from Stopped, Standing, or Parked Position” is more applicable and the contributing factor of 49 – Improper Start from Parked Position is the best fit for the crash.

## Drive Through Safety Zone (MC)

### [545.403 - Driving Through Safety Zone](#)

**Reference** [541.302\(12\)](#) - "Safety zone" means the area in a roadway officially designated for exclusive pedestrian use and that is protected or so marked or indicated by adequate signs as to be plainly visible at all times while so designated.

A safety zone is a location exclusively for pedestrians in a roadway. In this example, pedestrians may stop in this safety zone while crossing the roadway and they are protected from vehicular traffic.



## Park and Fail To Set Brakes (MC)

## Park On Grade-Fail To Turn Wheels (MC)

## Park Without Stopping Engine (MC)

## Park Without Locking Ignition/Removing Key (MC)

### [545.404 - Unattended Motor Vehicle](#)

Before leaving a motor vehicle unattended, the operator must stop the engine, lock the ignition, remove the key from the ignition, set the parking brake, and turn front wheels to the curb (if standing on a grade).

**Reminder:** This does not apply in parking lots or residential driveways. Only applies to vehicles parked on the street/highway (see [542.001](#)). Also only applies to vehicles left unattended.

**Following Ambulance Or Fire Apparatus Closer Than 500 Feet (MC)**

**Drive Into Block Where Fire Engine Stopped (MC)**

**Park In Block Where Fire Engine Stopped (MC)**

**Drive Where Ambulance Summoned With Intent To Interfere (MC)**

**Park Where Ambulance Summoned With Intent To Interfere (MC)**

#### 545.407 - Following or Obstructing Fire Apparatus or Ambulance

##### **Fire Apparatus**

An operator may not follow closer than 500 feet a fire apparatus responding to an alarm or drive into or park a vehicle in the block where the fire apparatus has stopped for an alarm call.

##### **Ambulance**

An operator may not follow closer than 500 feet an ambulance that is flashing red lights and may not drive or park in an area an ambulance has been summoned in a manner intended to interfere with the arrival or departure of the ambulance.

**NOTE:** This law is specific to fire trucks and ambulances. There is no mention of police vehicles and the TRC does not prescribe a specific following distance for responding police vehicles.

**Cross Fire Hose Without Permission (MC)**

#### 545.408 - Crossing Fire Hose

It is unlawful to cross a firehose without consent from the department official in command when the hose is intended for use at a fire or alarm of fire.

**Defective Drawbar/Hitch (MC)**

**Drawbar Or Other Connection Over 15 Feet (MC)**

**No White Flag On Tow Chain / Cable (MC)**

#### 545.409 - Drawbars and Trailer Hitches; Saddle-Mount Towing

The drawbar or other connecting device between a towing vehicle and a towed vehicle must be strong enough to pull all the weight drawn and must not be longer than 15 feet.

If towing with a chain, rope, or cable, a white flag at least 12 inches square must be displayed on the rope, cable, or chain.

No more than three motor vehicles may be attached to the towing vehicle by the saddle-mount method (pictured right).



### Safety Chain Violation - None / Defective / Improper (MC)

#### 545.410 - Towing Safety Chains

Towing safety chains are required when a passenger car or light truck is towing a trailer or another vehicle. These vehicle types are defined in 541.201.

*Passenger car - a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.*

*Light truck - a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.*

**There are four exceptions to the use of safety chains.** Three are described in the Transportation Code and one is described in Administrative Code. **Exceptions:**

- (1) Trailers used for agricultural purposes
- (2) Vehicles operated under Federal Motor Carrier Safety Regulations (most CMVs)
- (3) Trailers with safety chains installed prior to 8/18/1994 (when these standards were adopted)
- (4) Fifth wheel or gooseneck trailers (this exception is only found in admin code)

Safety chains must be of a type approved by the department and attached in a manner approved by the department. This language means there is accompanying administrative code for this section.

Reference [Texas Administrative Code Title 37, Chapter 21, Rule 21.5](#)

#### **Specifications for Safety Chains from Administrative Code:**

- (1) Two separate chains must be used and they must be of equal length on both sides of the tongue,
- (2) Chains may not be directly welded to the towed vehicle, but must be attached by bolts, pins, or other methods,
- (3) Chains must be long enough to permit free turning,
- (4) Chains may not contact the roadway surface when in operation,
- (5) Chains must be connected so as to prevent the tow-bar from dropping to the ground in case of a separation of the units,
- (6) Chains must be strong enough to prevent separation in case of disengagement of units.

**Important Note:** There is no requirement for safety chains to be crossed. The chains must be able to prevent the tow bar from dropping to the ground and this is often accomplished by crossing the chains, however un-crossed chains are not a specific violation. Enforcement action should not be taken for uncrossed chains unless the officer can articulate that the chains would not prevent the tow bar from striking the ground if disengaged.

### Stay At Rest Area Longer Than Permitted (MC)

### Erect Tent, Shelter, Booth, Structure At Rest Area Where Prohibited (MC)

#### [545.411 - Use of Rest Area](#)

A person may not remain at a rest area for longer than 24 hours. A person may not erect a tent, shelter, booth, or structure at the rest area if the person has notice that such activity is prohibited.

A person is considered to have notice that the activity is prohibited if there are signs erected stating such or if the person receives notice from a peace officer.

### Safety Seat Sys, Child Pass, Child<8 Unless Taller Than 4'9" Not Secured By (MC)

#### [545.412 - Child Safety Seat](#)

Child Safety Seats are required for children who are younger than 8 years of age unless the child is taller than 4'9".

##### Clarification:

- If a child is taller than 4'9", a child safety seat is not required regardless of the child's age.
- If a child is 8 years of age or older, a child safety seat is not required regardless of the child's height.

This law applies to a person operating a passenger vehicle. This term is defined in subsection **(f)(2)**:

*In this section, "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.*

Notice RVs, school buses, autocycles, and motorcycles do not fall under this definition, therefore child safety seats are not required for these types of vehicles. The same definition of "passenger vehicle" is used in the seatbelt law (545.413).

The child must be "**secured**" in the child safety seat system according to the manufacturer's instructions and limitations for size/weight. **Example:** A 60 pound child sitting in a child safety seat system designed for a maximum weight of 40 pounds is not secured properly and a violation exists.

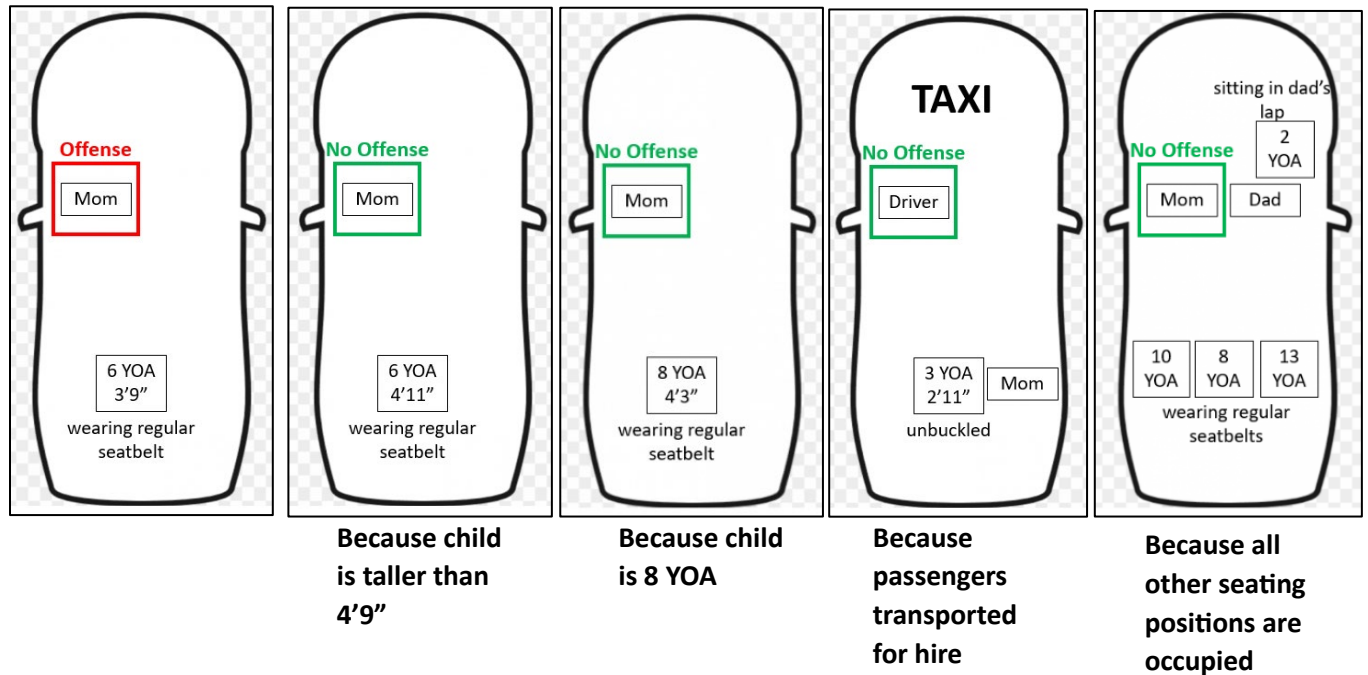
##### Exceptions

There are two exceptions to the application of the child safety seat law:

- (1) The person is transporting passengers for hire (taxis, limos, Uber, etc.), or
- (2) The person is transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.



**Child Safety Seat Enforcement Examples:**



**Ride, Not Secured By Safety Belt-Driver (MC)**

**Ride, Not Secured By Safety Belt-Passenger (When Required) (MC)**

**Safety Belt, Child<17,Required To Be Secured By In Pass Vehicle (MC)**

**Safety Belt, Child, Required To Be Secured By:<17 And Not Required To Be Secured Under 545.412(A) (MC)**

**545.413 - Safety Belts; Offense**

Just like child safety seats, this offense is specific to “passenger vehicles” as defined in 545.412(f)(2): *“Passenger vehicle” means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.* Notice RVs, school buses, autocycles, and motorcycles do not fall under this definition, therefore seatbelts are not required for these types of vehicles (even if equipped). On notable exception, however, is that a school bus driver is specifically required to wear a safety belt under this section (school bus passengers are not).

**(a)(1)** All persons riding in seats equipped with safety belts are required to be secured by the safety belts. If the person is 15 years of age or older they are committing a violation if they are not secured regardless of whether they are the driver or a passenger (i.e. an unrestrained passenger 15 YOA or older may be issued a citation for not wearing their safety belt).

**Note:** This section requires that people be “secured” by safety belts. This is defined in 545.412(f)(4) – *using the lap belt and any shoulder straps according to the instructions of the manufacturer.* A person who places the shoulder strap under their arm instead of over the shoulder is not “secured” because this is contrary to the instructions of the manufacturers.

**(a)(2)** The operator of a school bus must be secured by the safety belt (the passengers on a school bus are not required to wear safety belts even if the bus is equipped because the school bus falls outside the definition of “passenger vehicle” in 545.412).

**Reference** [547.701\(e\)](#) – many school buses are now required to be equipped with safety belts. The TRC does not require school bus passengers to wear safety belts even if equipped, however the Texas Education Code states that school districts should require students to wear safety belts on equipped buses (TEC 34.013). No roadside enforcement of this for police officers.

**(b)** If the unsecured person is a passenger younger than 17 years of age, the driver is committing the violation for having an unsecured child riding in their vehicle if the child is sitting in a seat equipped with a safety belt.

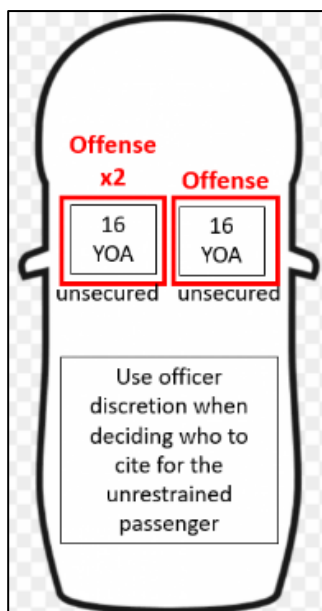
**Note:** This creates an interesting situation – an unsecured 16-year-old passenger could be cited for not wearing a safety belt under (a). The driver could also be cited for having a passenger younger than 17 YOA unrestrained under (b). Do not cite both. Use officer discretion and chose one or the other to cite.

**(c)** If a vehicle was originally designed with front safety belts it is considered to be equipped with safety belts even if the owner has subsequently removed the belts ([547.601](#)).

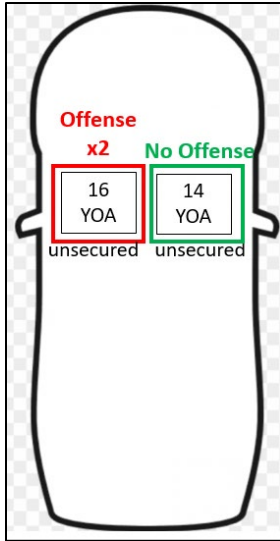
**(e)** There are numerous **defenses to prosecution:**

- (1)** written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt (presented roadside);
- (2)** the person presents to the court a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- (3)** the person is employed by the United States Postal Service delivering mail/packages;
- (4)** the person is engaged in newspaper delivery from the vehicle;
- (5)** the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty;
- (6)** the person is operating a farm truck (NOTE: specific to the operator, no mention of passengers);  
or
- (7)** the person is the operator of or a passenger in a garbage truck.

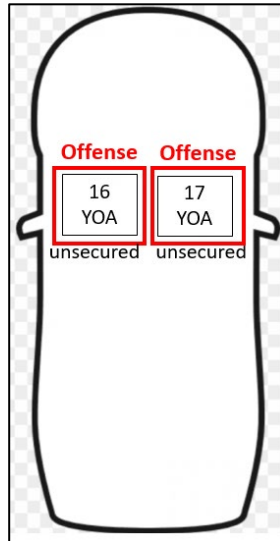
#### Safety Belt Enforcement Examples:



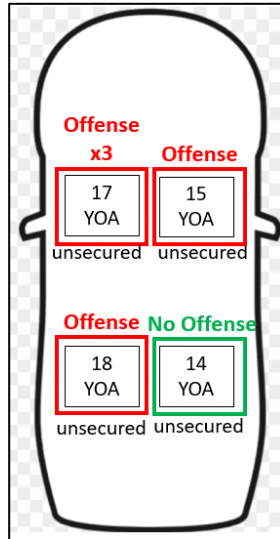
Both are committing an offense for being unrestrained and can be cited. Driver could also be cited for unrestrained passenger younger than 17 years of age. Officer discretion should be utilized to determine who to cite in these situations.



Driver can be cited x2 for being unrestrained himself and for transporting a passenger younger than 17 YOA who is unrestrained. Passenger cannot be cited because he is younger than 15 YOA.



Each can be cited. Driver cannot be cited for an unrestrained passenger because the passenger is not younger than 17 YOA.



Driver is committing 3 violations – being unrestrained himself, and transporting the 15 YOA and 14 YOA passenger unrestrained.

15 YOA passenger can be cited or the driver can be cited for him being unrestrained.

18 YOA passenger should be cited because the driver cannot be cited for him (older than 17 years of age).

14 YOA passenger cannot be cited. Driver should be cited for him being unrestrained.

## Operate Vehicle With Child <18 In Open Bed (MC)

### [545.414 - Riding in Open Beds; Offense](#)

It is an offense to have a person younger than 18 years of age riding in the open bed of a pickup or in an open flat-bed trailer. The operator of the vehicle is the person committing the offense.

Does this mean someone 18 YOA or older can legally ride in an open pickup bed? Yes. Is there a safety belt violation for someone 18 YOA riding in a pickup bed? No. 545.413 requires that a safety belt be worn only when riding in a seat equipped with a safety belt.

(c) There are five defenses to prosecution:

- (1) operating or towing the vehicle in a parade or in an emergency;
- (2) operating the vehicle to transport farmworkers from one field to another field on a farm-to-market road, ranch-to-market road, or county road outside a municipality;
- (3) operating the vehicle on a beach;
- (4) operating a vehicle that is the only vehicle owned or operated by the members of a household;
- (5) operating the vehicle in a hayride permitted by the governing body or law enforcement agency of each county or municipality in which the hayride will occur.

## Operate Vehicle Drawing Boat/Watercraft With Child <18 (MC)

### [545.4145 - Riding in or on Boat/Personal Watercraft Drawn by Vehicle; Offense](#)

It is an offense to draw a boat or personal watercraft down the road when a person younger than 18 years of age is occupying the boat or personal watercraft.

There are two defenses to prosecution:

- (1) operating the motor vehicle in a parade or in an emergency; or
- (2) operating the motor vehicle on a beach.

## Back So As To Interfere Or Without Safety (MC)

### [Back Upon Shoulder Or Roadway Of Controlled Access Highway \(MC\)](#)

#### [545.415 - Backing a Vehicle](#)

An operator may not back a vehicle on a highway (public road) unless the movement can be made safely and without interfering with other traffic (see case law below).

An operator may not back the vehicle on the shoulder or a roadway of a limited access or controlled access highway regardless of whether or not the backing is done safely. Limited access/controlled access highway is defined in [541.302](#) - "*Limited-access or controlled-access highway*" means a highway or roadway to which: (A) persons, including owners or occupants of abutting real property, have no right of access; and (B) access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

**Case Law** – [Salgado v. State, Court of Appeals, 13-17-00681-CR](#) – an appeals court examined the concept of “interfering with other traffic”. An officer had to come to a complete stop to allow a vehicle to finish backing out of a driveway. The court held that this was “interference” even though a crash did not occur.

### Backing a Vehicle Enforcement Examples:



Backing a vehicle on most roadways is only a violation if it is done unsafely or there is interference with other traffic.



Backing a vehicle on the roadway or the shoulder of a limited access/controlled access highway is always a violation.

### Passengers Exceeding 3 Or Load Obstructed Drivers View/Drivers Control (MC)

#### [545.417 - Obstruction of Operator's View or Driving Mechanism](#)

It is a violation to operate a vehicle when the view of the operator to the front or the sides is obstructed or there is interference with the operator's control over the driving mechanism. **It is a violation if the obstruction/interference comes from the vehicle's load or from passengers, but only if there are more than three passengers in the front seat.**

### Passenger Interfered With Driver's View Or Control (MC)

#### [545.417 - Obstruction of Operator's View or Driving Mechanism](#)

A passenger commits an offense by riding in a position that interferes with the driver's view or control over the driving mechanism. Note the passenger is committing an offense under this subsection, not the driver.

**Driver Open Door Or Leave Door Open In Moving Lane Of Traffic (MC)**

**Person (Other Than Driver) Opened Door Or Leave Door Open In Moving Lane Of Traffic (MC)**

**545.418 - Opening Vehicle Doors**

It is a violation to open the door of a vehicle so as to interfere with moving traffic. It is also a violation to leave the door open on the side of a parked vehicle closest to moving traffic for longer than is necessary to load or unload a passenger.

**Riding In House Trailer (MC)**

**545.419 - Riding in House Trailer**

It is a violation to occupy a house trailer while it is being moved on the highway.

**Note:** The person occupying the house trailer is the person committing the violation (not the driver of the towing vehicle).

**Reference** [541.201\(5\)](#) – "House trailer" means a trailer or semitrailer, other than a towable recreational vehicle, that: (A) is transportable on a highway in one or more sections; (B) is less than 45 feet in length, excluding tow bar, while in the traveling mode; (C) is built on a permanent chassis; (D) is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and (E) includes plumbing, heating, air-conditioning, and electrical systems.



An example of a house trailer. Note, this is not an RV or a manufactured home.

**Person(s) Riding in Trailer or Semitrailer Drawn by Truck, Road Tractor, or Truck Tractor (MB)**

**545.4191 - Person Riding in Trailer**

It is a violation to operate a truck, road tractor, or truck tractor (all defined in [541.201](#)) while a person is occupying a trailer or semi-trailer being drawn by the vehicle. This statute is specific to the type of towing vehicle. This statute was designed to combat human smuggling, as is reflected in the level of offense - a Class B Misdemeanor.

Because this offense is a Class B Misdemeanor, violators should be arrested, not cited and released.



There are several defenses to prosecution:

- (1) the person was operating or towing the vehicle:
  - (A) in a parade or in an emergency;
  - (B) to transport farmworkers from one field to another field on a farm-to-market road, ranch-to-market road, or county road outside a municipality; or
  - (C) in a hayride permitted by the governing body of or a law enforcement agency of each county or municipality in which the hayride will occur;
- (2) the person operating or towing the vehicle did not know that another person occupied the trailer or semitrailer; or
- (3) the person occupying the trailer or semitrailer was in a part of the trailer or semitrailer designed for human habitation.

#### **Acceleration Contest-Racing/Drag Racing (MB)**

#### **Racing On Highway (MB)**

#### **Racing On Highway W/Prev Conviction Or W/Driving While Intox/Open Container (MA)**

#### **Racing On Highway W/2 Prev Conviction (SJF)**

#### **Racing On Highway Causing Bodily Injury (F3)**

#### **Racing On Highway Causing Serious Bodily Injury/Death (F2)**

#### **545.420 - Racing on Highway**

It is a violation to engage in a race, a vehicle speed contest or competition, a drag race or acceleration contest, a test of physical endurance of the operator, or exhibition of vehicle speed or acceleration **in connection with a race**.

The language “exhibition of acceleration” appears here only when in connection with a drag race. A vehicle that accelerates quickly, peels out, fishtails, etc. is not committing the offense of “exhibition of acceleration” or “Acceleration Contest” if it is not done in connection with a drag race - see [Case Law - State v. Guzman, Court of Appeals, 240 S.W.3d 362](#). Officers could consider **Unsafe Start from Stopped, Standing, or Parked Position**, but only if they can articulate that the movement was unsafe.

The first offense for racing is a **Class B Misdemeanor**. The offense is enhanced to a **Class A misdemeanor** if the operator has a previous conviction for this offense, is in possession of an open alcohol container, or is intoxicated.

This offense is a **State Jail Felony** if the operator has two or more previous convictions. It is a **Third Degree Felony** if the race results in a crash causing bodily injury. It is a **Second Degree Felony** if the race results in serious bodily injury or death.

**NOTE:** If two vehicles are racing and one crashes and causes serious bodily injury/death, the other vehicle’s driver can be charged with an enhanced offense even if it was not directly involved in the crash – see [Case Law – Daniel v. State, Court of Appeals, 478 S.W.3d 773](#).



## **Interference with Peace Officer Investigation of Hwy Racing or Reckless Driving (MB)**

### **545.4205 – Interference with Peace Officer Investigation of Highway Racing or Reckless Driving Exhibition**

A person commits an offense if the person uses the person's body, a car, or a barricade to knowingly impede or otherwise interfere with a peace officer's investigation of conduct prohibited under Section [545.420](#) (racing) or a reckless driving exhibition, as defined by [Section 42.03, Penal Code](#).

## **Fleeing Or Attempting To Elude Police Officer (MB)**

### **Recklessly Fleeing From Police Officer, Placing Another In Imminent Danger Of SBI (MA)**

### **545.421 - Fleeing or Attempting to Elude Police Officer; Offense**

In order for a person to commit this offense, they must willfully or intentionally flee or refuse to stop for a police officer who is giving an audible or visual signal to stop – this could mean emergency lights, siren, hand signal, or voice command. The police officer must be in uniform and in a marked police vehicle.

This offense begins as a Class B Misdemeanor and can be enhanced to a Class A Misdemeanor if the violator recklessly places another in imminent danger of serious bodily injury.

**Reference** [Penal Code 38.04 - Evading Arrest](#) – “Evading Arrest” is usually a more appropriate charge following a vehicle pursuit because it carries a higher penalty. Vehicle pursuits are inherently dangerous to all parties involved and the public at large.

## **Drive On Sidewalk (MC)**

### **545.422 - Crossing Sidewalk or Hike and Bike Trail**

It is an offense to drive a motor vehicle on a sidewalk or a hike and bike trail except at permanent or temporary driveways. Note: This statute applies specifically to a “motor vehicle”. It does not apply to electric bicycles, segways, and non-motorized devices such as bicycles, skateboards, scooters, etc. Motor vehicle is defined in [541.201\(11\)](#).

**Reference** [545.302](#) – it is also an offense to stop, stand, or park on a sidewalk.

## **Cross Sidewalk or Drive Through Driveway/Parking Lot/Business or Residential Entrance Without Stopping (MC)**

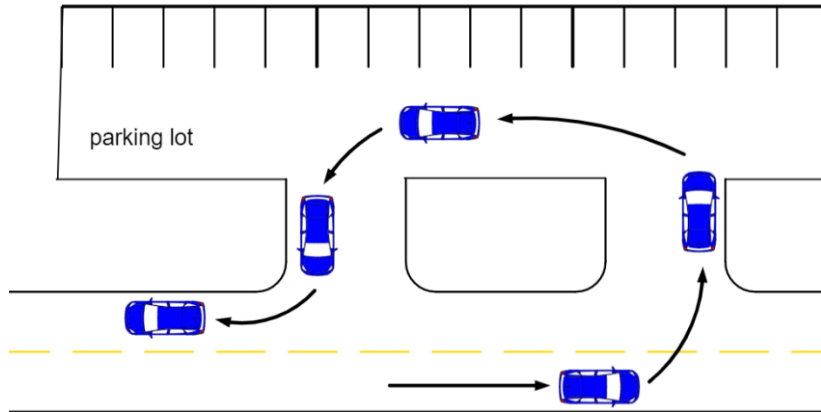
### **545.423 - Crossing Property**

A driver may not cross a sidewalk or drive through a driveway, parking lot, or business or residential entrance without stopping the vehicle.

**Note:** The requirement is that the stop take place somewhere in the parking lot, not immediately before exiting the parking lot. A vehicle that has stopped at a gas pump for gas is not required to stop again when exiting the parking lot. Once a stop has been made somewhere in the parking lot the requirement has been met.

Reference – [545.256](#) – **Emerging from an Alley, Private Drive, or Building** – a stop is required before crossing a sidewalk when emerging from an alley or private drive, but this requirement only applies in a Business or Residence District (and only when a sidewalk is present).

**Enforcement Example:**



This is a violation if the vehicle does not stop somewhere in the parking lot.

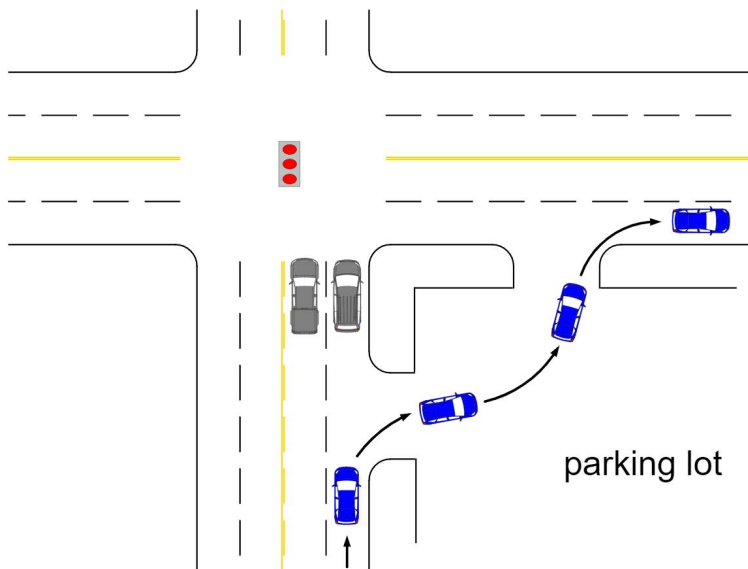
**Cut Across Driveway, Sidewalk, Parking Lot, Bus, Residential Entrance To Make Turn (MC)**

**545.423 - Crossing Property**

It is a violation to cut across a driveway or parking lot at an intersection to turn right or left from one highway to another.

**Note:** This subsection can be violated even if the vehicle stops before exiting the parking lot.

**Enforcement Example:**



This is a violation for using the parking lot to bypass the intersection while turning from one highway to another.

**Enforcement Example:**

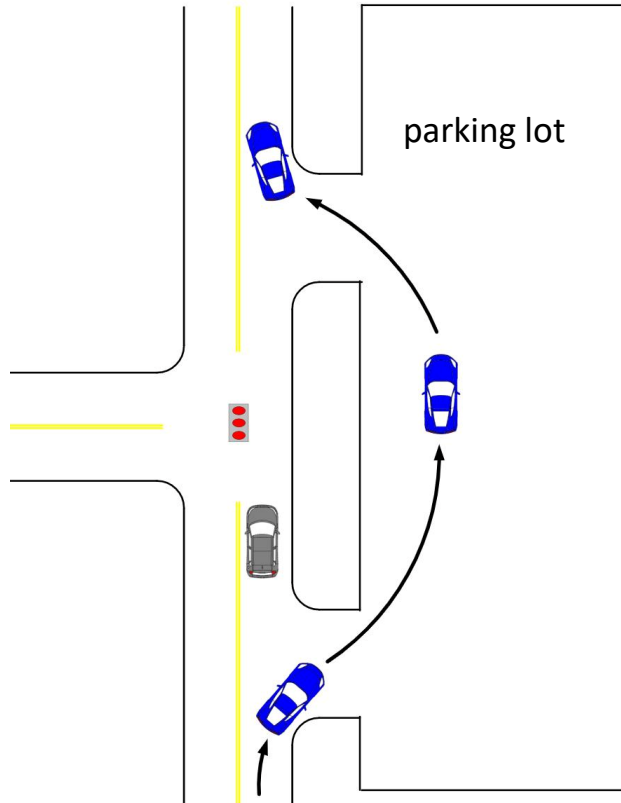
**Is this a violation?**

It depends.

The blue vehicle is using a parking lot to bypass the traffic signal at the intersection.

If the blue vehicle does not stop at any point in the parking lot, it has committed a violation of [Drive Through Parking Lot Without Stopping \(545.423\(a\)\)](#).

If the vehicle does stop somewhere in the parking lot before exiting, **there is no violation**. Although the vehicle bypassed an intersection, it has not committed the violation of [Cut Across Parking Lot to Make Turn \(545.423\(b\)\)](#) because the vehicle did not turn from one highway to another (it re-entered the same highway).



**Wireless Communication Device Use Restriction: Operate Motor Vehicle By Person <18 W/Restrictions (MC)**

**Person < 18 YOA Operate Vehicle between Midnight and 5 AM when Prohibited (MC)**

**Person < 18 YOA Operate Vehicle with More than One Passenger Under 21 Not A Family Member (MC)**

**[545.424 - Operation of Vehicle by Person Under 18 Years of Age](#)**

Certain restrictions are imposed on the driving privileges of persons under the age of 18. This will appear as a "G" restriction on the provisional license.

A person under 18 years of age may not operate a motor vehicle while using a wireless communication device, except in case of emergency. This prohibition applies even if the wireless communication device is being used with a hands-free device. "Wireless communication device" means a handheld or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332 (i.e. a cell phone).

A person under 18 years of age may not drive:

- (1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for work, school, or an emergency.
- (2) with more than one passenger in the vehicle under 21 years of age who is not a family member.

(e) A peace officer may **not** stop a vehicle or detain the operator of a vehicle for the sole purpose of determining whether the operator of the vehicle is violating this section. In other words, if an officer sees a driver that appears as if they may not be 18 years of age talking on a cell phone or traveling after midnight, the officer may not stop the vehicle solely to determine whether or not the driver is under 18.

### Wireless Communication Device While Within A School Crossing Zone (MC)

#### [545.425 - Use of Wireless Communication Device in a School Zone](#)

It is a violation to operate a vehicle in a school crossing zone (i.e. while the school zone is active) while using a wireless communication device unless using a hands free device or while the vehicle is stopped.



**Reference [541.302](#)** – *"School crossing zone" means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.*

A sign advising of the prohibition must be posted at the beginning of the school zone to enforce this section (unless in a municipality that has a blanket prohibition on cell phone use within the entire city if signs are posted at major entrances to the city).

This section does not apply to the operator of an authorized emergency vehicle in the course of their official duties.

### Use Of Portable Wireless Communication Device For Electronic Messaging (MC)

### Use Of Portable Wireless Communication Device For Electronic Messaging W/ Previous Conviction (MC)

### Use Of Portable Wireless Communication Device For Electronic Messaging Causing Death/SBI To Another Person (MA)

#### [545.4251 - Use of Portable Wireless Communication Device for Electronic Messaging](#)

This is the Texas "Texting and Driving" law.

**Reference [543.004](#)** – If an officer chooses to charge a violator with this offense and the violator is willing to sign the citation, the violator cannot be arrested. This is one of three offenses for which a custodial arrest is not authorized if the violator is willing to sign the notice to appear (along with Speeding and Open Container).

This section prohibits the use of a wireless communication device to read, write or send an electronic message unless the vehicle is stopped. *"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person.*

To be prosecuted, the behavior must be committed in the presence of or within the view of a peace officer or established by other evidence (cell phone records, phone data imaging, video evidence, witnesses, etc.).

**Defenses** - there are numerous affirmative defenses to prosecution:

- (1) used in conjunction with a hands-free device;
- (2) used to navigate using a global positioning system or navigation system;
- (3) used to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;
- (4) used to read an electronic message that the person reasonably believed concerned an emergency;
- (5) the device was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and a dispatcher or a digital network or software application service, or
- (6) used to activate a function that plays music.

**Exceptions** - this section does not apply to an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity.

**Enhancements** - This offense can be enhanced to a Class A misdemeanor if it is shown on the trial of the offense that the defendant caused the death or serious bodily injury of another person.

**Note:** Peace officers may not take possession or inspect a wireless communication device in the course of a traffic stop for this violation.

**DPS Policy:** [General Manual Chapter 11, Section 50.02](#) – Unless there are exigent circumstances, DPS policy prohibits the use of a wireless communication device or computer to read, write, or send a text message or email while operating a Department motor vehicle unless the vehicle is stopped. Although the TRC exempts the operators of law enforcement vehicles from this section when texting in an official capacity, DPS policy generally prohibits this action.

**Operate School Bus With Door Open (MC)**

**Operate School Bus Over Passenger Design Capacity (MC)**

**Allow Passenger To Stand / Sit Improperly On A School Bus (MC)**

#### [545.426 - Operation of School Bus](#)

A person may not operate a school bus unless the door is closed and the bus does not have more passengers than it was designed to carry.

The school bus driver is required to prohibit the passengers from standing, or sitting on the floor or anywhere else not designed as a seat.

## **Operation Of Vehicle With Insufficient Undercarriage Clearance At Railroad Grade Crossing (MC)**

### **545.427 - Operation of Vehicle with Insufficient Undercarriage Clearance**

An operator may not drive on or cross a railroad grade crossing unless the vehicle being operated has sufficient undercarriage clearance.

## **Caused Bodily Injury with Criminal Negligence to Pedestrian or Other Vulnerable Road User in a Crosswalk (MA)**

## **Caused Serious Bodily Injury with Criminal Negligence to Pedestrian or Other Vulnerable Road User in A Crosswalk (SJF)**

### **545.428 – Motor Vehicle Collision Involving Pedestrian or Other Vulnerable Road user Within Area of Crosswalk; Offense**

A person commits an offense if the person with criminal negligence: (1) operates a motor vehicle within the area of a crosswalk; and (2) causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.

An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the injured person suffered serious bodily injury.

It is an affirmative defense to prosecution under this section that, at the time of the offense, the person injured was violating a provision of this subtitle relating to walking, movement, or operation in a crosswalk or on a roadway.

#### **When filing charges under this section, investigators will have to overcome two significant hurdles:**

- 1) They must be prepared to articulate that the person/vehicle struck in the crosswalk was lawfully using the crosswalk at the time of the crash.
- 2) They must demonstrate probable cause of “criminal negligence” on the part of the vehicle operator (see below).

The culpable mental state of “**criminal negligence**” is defined in [Penal Code 6.03](#) - *A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.*

## TRC CHAPTER 547 – VEHICLE EQUIPMENT – GENERAL PROVISIONS

Chapter 547 governs vehicle equipment, including lighting, brakes, and safety equipment. There are a few important sections at the beginning of Chapter 547 that must be understood to ensure proper enforcement of these laws.

### 547.002 – Applicability

Unless a vehicle equipment provision is specifically made applicable, Chapter 547 **does not** apply to:

- 1) an **implement of husbandry** (except [547.371](#) and [547.372](#))
- 2) **road machinery** (defined in [547.001\(5-a\)](#))
- 3) a **road roller** (included in “special mobile equipment” definition in [541.201\(18\)](#))
- 4) a **farm tractor** (except [547.371](#) and [547.372](#))
- 5) a **bicycle, a bicyclist, or bicycle equipment** (governed by [551.104](#))
- 6) an **electric bicycle, an electric bicyclist, or electric bicycle equipment** (governed by [551.104](#))
- 7) a **golf cart** (governed by [Chapter 551](#))
- 8) a **neighborhood electric vehicle** (governed by [Chapter 551](#))
- 9) an **off-highway vehicle** (governed by [Chapter 551A](#))

This means the above vehicles may be operated on a highway with lighting and equipment that does not meet the standards most vehicles are required to meet. Before taking enforcement action for an equipment violation on one of the above vehicles, make sure the section specifically applies. **Example:** 547.371 requires certain farm equipment and implements of husbandry to be equipped in a certain manner, so a farm tractor or implement of husbandry would still need to be equipped as described in that section even though most of the equipment provisions in this chapter would not apply to them.

### **Specific Exceptions to Vehicle Lighting Requirements**

In addition to the vehicles already excluded from the equipment requirements in Chapter 547 (see [547.002](#)), there are additional exceptions specific to vehicle lighting.

### 547.304 – Applicability

**(a) During daytime/good visibility operation**, the following trailers are not required to have fixed electric lights:

- farm trailers
- fertilizer trailers registered under Section 502.146 as a farm trailer
- a boat trailer with a gross weight of 3,000 pounds or less

**(b) During daytime/good visibility operation**, a boat trailer with a gross weight of more than 3,000 pounds but less than 4,500 pounds is only required to have stop lamps and turn signal lamps ([547.323](#) and [547.324](#)).

**(c) During daytime/good visibility operation**, a mobile home operated under a permit is only required to have stop lamps and turn signal lamps ([547.323](#) and [547.324](#)). **Note:** a mobile home over 12’ wide will also require additional equipment, per Chapter 623 (see [Manufactured Housing/Portable Building](#) arrest titles).



### [547.003 - Equipment Not Affected](#)

The TRC does not list all permitted equipment and activities. It only lists required equipment and prohibited activities. When it comes to accessory equipment, the question is not, “Where does the Transportation Code say you can have that piece of equipment?” The question is, “Where does the Transportation Code say you can’t have that piece of equipment?” If the TRC or the adopted federal lighting standards do not specifically prohibit equipment, the equipment is considered permissible and legal.

#### **Example:**

This vehicle has blue ground effect lighting. Blue ground effect lighting is not prohibited on passenger vehicles. Blue non-flashing accessory lights are also not prohibited. The lights on this vehicle are therefore legal as long as they do not impair the effectiveness of any required lamps on the vehicle. For more information on impairing the effectiveness of required lamps, see the [Vehicle Equipped So As to Impair Effectiveness of Required Lamp](#) section of this document.



## **Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person (MC)**

### [547.004 - General Offenses](#)

**(a)(1)** describes the offense of **Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person**. This offense occurs when the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that is unsafe so as to endanger a person. This is an offense of articulation – an officer must articulate what is unsafe about the vehicle’s condition.

**Enforcement Example:** a vehicle with a crack in the windshield is not a specific offense in the TRC, however if a windshield is severely cracked in a manner that is preventing the operator from seeing and safely operating the vehicle, enforcement under this section could be appropriate. **In this photo, the crack in the windshield does not prevent safe operation and there is no violation.**



**Cracked windshield – no specific violation**

**Excessively cracked windshield** – an officer can articulate that operation of this vehicle would be dangerous due to the driver’s inability to see. Enforcement action can be taken for **Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person**



**Note:** Some agencies encourage the use of this arrest title in a circumstance where a person is operating a vehicle with a salvage title that has not been rebuilt. Although a vehicle with a salvage title may be in an unsafe condition, DPS personnel should be able to articulate what, exactly, about the vehicle’s condition is unsafe prior to taking this enforcement action. A vehicle with excessive hail damage, for instance, may receive a salvage title due to the cost of body work repair even when there is nothing inherently unsafe about the vehicle’s mechanical condition. For more information on operating a vehicle with salvage title, see [Operate Salvage Motor Vehicle](#).

**Case law** – [Carrillo v. State, 235 SW 3d 353](#), [Kennedy v. State \(No. 13-12-00668-CR\)](#) – courts have held that a vehicle driving on a deflated or flat tire could be considered to be in violation of 547.004. Note that in each case, officers were able to articulate how the condition of the vehicle was unsafe considering the speed the vehicle was traveling, the roadway and traffic conditions, etc. It should also be noted that these cases reference [548.604](#). At one time, 548.604 described an offense for a vehicle being operated in unsafe mechanical condition, however legislative changes during the 88<sup>th</sup> Legislative session removed this language ([HB 3297](#), effective 1/1/2025).

### **Use Equipment Not Approved (Specify) (MC)**

#### **[547.004 - General Offenses](#)**

**(a)(2) and (3)** describe the offense of **Use Equipment Not Approved** – the vehicle is not equipped in a manner that complies with the vehicle equipment standards and requirements established by this chapter or is equipped in a manner prohibited by this chapter. **IMPORTANT:** It is not a violation to have equipment that is not addressed or regulated by this chapter (**Reference** [547.003](#)).

Specifically adopted equipment standards can be found in [Chapter 21](#) of the Texas Department of Public Safety’s administrative code. Before taking enforcement action for unapproved equipment, officers should be able to identify the applicable equipment standard and how the specific equipment is in violation.

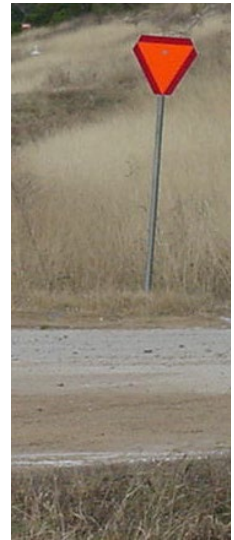
**Enforcement Example:** A person removes their stock headlamps and replaces them with headlamps that are not DOT approved. The above referenced administrative code requires that headlamps meet federal standards ([Rule 21.2](#)). This person is using equipment that does not comply with the standards and requirements established for headlamps and is therefore committing a violation.

## Improper Use Of Slow-Moving Vehicle Emblem (MC)

### [547.005 – Offense Relating to Violation of Special-Use Provisions](#)

A person may not use a slow-moving vehicle emblem on a stationary object or on a non-slow-moving vehicle (example violation to the right – used on stationary object).

**Slow-moving vehicle** is defined in [547.001\(7\)](#) - (A) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility device, as defined by Section [551.201](#); or (B) a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by: (i) an animal; or (ii) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.



**Slow-moving vehicle emblem** is defined in [547.001\(8\)](#) - a triangular emblem that conforms to standards and specifications adopted by the director under Section [547.104](#). DPS administrative code adopted the American Society of Agricultural and Biological Engineers, Standard S276 as the standard for slow-moving vehicle emblems in Rule [21.9](#).

## Unauthorized Use of School Bus Markings (MC)

### [547.005 – Offense Relating to Violation of Special-Use Provisions](#)

A person may not operate a motor vehicle bearing the words "school bus" unless the vehicle is used primarily to transport persons to or from school or a school-related activity.

## VEHICLE EQUIPMENT – LIGHTING

## Drive Without Lights-When Required (MC)

### [547.302 - Duty to Display Lights](#)

- (a) A vehicle's required lights must be activated under either of the following two conditions:
- (1) at nighttime (Reference [541.401\(5\)](#) - ½ hour after sunset to ½ hour before sunrise); or
  - (2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.

**Enforcement Example:** If a person's fog lamps are bright enough for them to see, can they drive in the above circumstances with just their fog lamps activated? No. All required lamps (head lamps, taillamps, LP lamps, etc.) are required to be activated during the times described in [547.302\(a\)](#). A person driving at night without the headlamps activated is committing a violation, regardless of fog lamps or auxiliary driving lamp use (Supporting case law – [Francis v. State, 02-13-00075-CR](#)).

## More Than 4 Driving Lamps Lighted To The Front (MC)

### [547.302 - Duty to Display Lights](#)

(d) Not more than four of the following may be lighted at one time on the front of a motor vehicle: (1) a headlamp; or (2) a lamp, including an auxiliary lamp or spot lamp, that projects a beam with an intensity brighter than 300 candlepower.

**Discussion:** Clearly, more than four headlamps would be a violation under (d). The other types of lamps listed (auxiliary lamps or spot lamps), only count towards the “more than 4” limit if they project a beam with an intensity brighter than 300 candlepower. This is difficult to enforce because most officers do not have a meter to measure candlepower roadside. Lamps are also now measured in lumens rather than candlepower (300 candlepower = 3771 lumens, however this conversion is unreliable because candlepower measures the brightest portion of a beam, while lumens measures total output of a lamp). Vehicles that are manufactured according to federal vehicle lighting standards may appear to have more than 4 lamps on the front, however these vehicles are legal and should not be stopped under this section.

**Clarification:** This section describes a violation when more than four of the specified lamps are **lit** to the front. Enforcement action should not be taken against a vehicle unless the lamps are actually lighted as the vehicle is being operated on the highway.

**Wrong Color Stop Lamps (MC)**

**Wrong Color Rear Reflector(s) (MC)**

**Wrong Color Light To Rear (MC)**

**Wrong Color Turn Signal Lamp (MC)**

### [547.303 - Color Requirements](#)

This section governs the color of lamps mounted on the rear of a vehicle.

Unless expressly provided otherwise, a lighting device or reflector mounted on the rear of a vehicle must be or reflect red. This would apply to stop lamps, taillamps, and rear reflectors, and any auxiliary lighting devices mounted on the rear of the vehicle.

A signaling device mounted on the rear of a vehicle may be red, amber, or yellow. This applies to turn signals.

**Clarification:** There are some lamps mounted on the rear of a vehicle that are permitted to be colors other than red – license plate lamps (white), backup lamps (white), turn signal lamps (amber), cargo lamps (color not specified). These lamps are mounted at or near the back of a vehicle, but do not constitute a violation of this section even though they are not red.



## Enforcement Discussion:



A pickup traveling down the road with its cargo lamp activated is not committing a violation of **Wrong Color Light to the Rear** because cargo lamps are permitted to be on pickups and a color specification is not mandated. Additionally, a cargo lamp, while it faces the rear of the vehicle, is not “mounted on the rear” of the vehicle. No enforcement action should be taken unless the lamp is so bright the officer can articulate that the vehicle is creating an unsafe condition ([Drive Vehicle In Unsafe Condition](#)).



This vehicle has installed auxiliary backup lamps to supplement the normal backup lamps. If these auxiliary backup lamps are activated while the vehicle is in forward motion, do not take enforcement action for **Wrong Color Light to the Rear** (backup lamps are required to be white). Instead, enforcement action can be taken for [Improper/Defective Backup Lamp](#). If these lamps are not backup lamps, enforcement action can be taken for **Wrong Color Light to the Rear** if the lamps are activated on the highway.



Most accessory lighting is not regulated as long as it does not interfere with required lamps, however this green lamp is mounted on the rear of the vehicle. A violation exists for **Wrong Color Light to the Rear** because lights mounted on the rear of the vehicle must be red unless specifically permitted to be a different color. If this lamp was red, no violation would exist.



This vehicle has a rear mounted auxiliary lamp for off-road or work purposes. Because the lamp is mounted on the rear of the vehicle and not otherwise permitted to be white, a violation exists for **Wrong Color Light to the Rear**.

**Note:** In keeping with Department guidance regarding [auxiliary driving lamps](#), officers should take enforcement action only if the lamp is lit while the vehicle is being operated on public highways.

**Improper/Unauthorized Flashing White, Red, Blue Lights (MC)**

**Red Light to Front (MC)**

**Hwy Maintenance or Construction Vehicle/Service Vehicle Not Displaying Required Lamps (MC)**

**547.305 - Restriction on Use of Lights**

The use of flashing lights is a complicated subject. Many different vehicles are permitted to have certain flashing lights in specific circumstances. Below is a quick reference table, taken from THP Chief Orlando Alanis' 2023 guidance memo. For the full document, the memo can be accessed on [Sharepoint](#).

<b>Vehicle</b>	<b>Color of Flashing Lights</b>	<b>Transportation Code</b>
Police Vehicles	Red/Blue/White/Amber	<a href="#">547.305</a> & <a href="#">547.702</a>
Fire/EMS Vehicles	Red/Blue/White/Amber	<a href="#">547.305</a> & <a href="#">547.702</a>
Volunteer Fire/EMS	Red/Blue/White/Amber	<a href="#">547.305</a> & <a href="#">547.702</a>
Medical Examiner Vehicle <sup>1</sup>	Red/Blue	<a href="#">547.751</a>
Justice of the Peace <sup>2</sup>	Red/Blue	<a href="#">547.752</a>
School Bus	Red/White (rooftop)/Amber	<a href="#">547.305</a> & <a href="#">547.701</a>
Highway Maintenance or Construction Vehicles <sup>3</sup> and Service Vehicles <sup>4</sup>	Amber/Blue	<a href="#">547.105</a> & <a href="#">TxDOT Lighting Standards</a>
Airport Security Vehicles <sup>5</sup>	Amber/Blue	22.091(b)
Security Patrol Vehicles <sup>6</sup>	Green/Amber/White	<a href="#">547.305</a>
Tow Trucks <sup>7</sup>	Amber/Blue/Red	<a href="#">547.305</a> , <a href="#">547.702</a> , <a href="#">547.105</a> , & <a href="#">TxDOT Lighting Standards</a>
Escort Flag Vehicles <sup>8</sup>	Amber/Blue	<a href="#">547.305</a> , <a href="#">623.099</a> & <a href="#">TxDOT Lighting Standards</a>
Garbage Trucks	Amber/Blue	<a href="#">547.305</a> , <a href="#">547.105</a> & <a href="#">TxDOT Lighting Standards</a>
Utility Service Vehicles <sup>9</sup>	Amber/Blue	<a href="#">203.091</a> , <a href="#">547.105</a> & <a href="#">TxDOT Lighting Standards</a>

**Note:** Use of amber lights is not prohibited, therefore any vehicle may flash amber lights if they do not inhibit the effectiveness of a required lamp.

## **FLASHING LIGHTS – THE SUMMARY**

Only flashing/alternating red, white, or blue lights are prohibited by the Transportation Code. Below is a summary of each color and which vehicles may flash these colors in certain circumstances

<b><u>Flashing White Lights</u></b>	<b><u>Flashing Blue Lights</u></b>
<ul style="list-style-type: none"><li>• Authorized emergency vehicles only</li></ul>	<ul style="list-style-type: none"><li>• Authorized Emergency Vehicles</li><li>• TXDOT or Highway Maintenance and Construction Vehicles</li><li>• Service Vehicles</li><li>• Utility Service Vehicles</li><li>• Tow Trucks</li><li>• Escort Flag Vehicles</li><li>• Garbage Trucks</li><li>• Toll Project Vehicles</li><li>• Medical Examiner/Justice of the Peace</li></ul>
<b><u>Flashing Red Lights</u></b>	
<ul style="list-style-type: none"><li>• Authorized Emergency Vehicles</li><li>• School buses</li><li>• Church buses</li><li>• Tow Trucks</li><li>• Medical Examiner/Justice of the Peace</li></ul>	

### **Highway Maintenance and Construction Vehicles and Service Vehicles**

These vehicles are permitted to have flashing blue lamps in many circumstances. Additionally, these vehicles are required to have flashing amber lamps at times.

#### **547.105 - Maintenance & Service Vehicle Lighting Standards**

This statute gives TXDOT broad authority to regulate the lighting of highway maintenance or construction vehicles and service vehicles. TXDOT has developed lighting standards for these vehicles. The lighting standards can be found on TXDOT's website:

<https://www.txdot.gov/content/dam/docs/trf/vehicle-lighting-standards-july-2024.pdf>

TXDOT's lighting standards require flashing amber lights and permit flashing blue lights on highway maintenance or construction vehicles in specific circumstances:

#### **LENS COLORS – HIGHWAY MAINTENANCE OR CONSTRUCTION VEHICLES**

Highway maintenance or construction vehicles shall use flashing amber lights and may use simultaneous amber and blue warning lights in the following situations:

- Snow and ice removal.
- In a mobile operation where the work moves continuously or intermittently (stopping approximately up to 15 minutes).
- When responding to or parked at an incident.
- When employees must be out of the equipment and in a lane of traffic, and channeling devices are not positioned to close the lane to adjacent traffic.
- When working on or near the edge of the shoulder (e.g. edge repair, sign installation/repair, guardrail inspection, debris removal, shoulder maintenance, etc.) outside the protection of a standard work zone.

*Note: Turn off blue warning lights when the vehicle is not in use for one of the above applications. Blue and amber lights should be set up to operate independently. It is recommended to install blue warning lights on the driver's side to enhance visibility.*

**Reference 547.001** – highway maintenance or construction vehicles are specifically defined.

**Highway maintenance or construction vehicle** - a highway or traffic maintenance or construction vehicle designated by the Texas Department of Transportation. 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) aerial platform lift machines; and (iii) road profiler machines; and (B) road construction or off-road use, including motor graders, road rollers, excavators, pneumatic tire equipment, movers, and tractors.

Highway maintenance or construction vehicles flashing blue lights outside the parameters described in TXDOT's lighting standards are committing the violation of **Improper/Unauthorized Flashing White, Red, Blue Lights**.

TXDOT's lighting standards also specify certain lighting requirements for some **service vehicles**:

#### Lens Colors – Specific Service Vehicles

The following types of vehicles may use flashing lights in the colors and circumstances listed below:

- Tow trucks shall be equipped with a roof-mounted light bar that displays amber warning lights. Tow trucks may be equipped with flashing red and blue lights, which shall be used only when stopped at an incident. Amber lights should be set up to operate independently from blue/red lights.
- Escort flag vehicles used to escort manufactured housing shall be equipped with a roof-mounted light bar that displays the lights specified in [Transportation Code § 623.099\(c\)\(1\)](#), in addition to the other requirements of that section. Escort flag vehicles used to escort manufactured housing may also be equipped with flashing blue lights as service vehicles. Flashing blue lights are not permitted on the towing vehicle or manufactured housing.
- Escort flag vehicles escorting oversize loads other than manufactured housing shall be equipped with a roof-mounted light bar that displays an amber warning light. Escort flag vehicles may be equipped with a flashing blue light as specified in [Transportation Code § 547.305\(e-3\)](#). Flashing blue lights are not permitted on the towing vehicle or oversize load.
- Garbage trucks shall use flashing amber lights and may use flashing blue lights while removing or transporting municipal solid waste or recyclable material from a location adjacent to the highway. Flashing blue lights may not be used enroute to or from the disposal site.
- Service vehicles, including utility service vehicles, shall display amber warning lights and may display flashing blue lights **while stationary** when providing a public service during an incident.

Reference [547.001](#) – service vehicles are specifically defined.

**Service Vehicle** - a highway or traffic maintenance vehicle that: (A) is owned and operated on a highway by or for a governmental agency and performs a function requiring the use of a lamp or illuminating device in accordance with the standards and specifications adopted under Section 547.105; or (B) has a public service function, including public utility vehicles, tow trucks, and any vehicle designated as a service vehicle by the Texas Department of Transportation or as an escort flag vehicle under Section 623.099.

TXDOT's lighting standards provide a list of vehicles designated at service vehicles:

#### TYPES OF SERVICE VEHICLES

- Utility vehicles as defined by TRC 203.091
- Garbage trucks
- Roadside assistance vehicles
- Tow trucks
- Highway or traffic maintenance vehicles
- Escort flag vehicles under TRC 623.099 or TRC 547.305 (e-3)
- A vehicle owned by or operated for the U.S. Geological Survey or any federal, state, or local agency engaged in monitoring water conditions or maintaining/installing equipment for monitoring water conditions
- Vehicles that have a public service function

Service Vehicles flashing red, white, or blue lights outside the parameters described in TXDOT's lighting standards are committing the violation of **Improper/Unauthorized Flashing White, Red, Blue Lights**.

### 547.305 - Restriction on Use of Lights

(a) A motor vehicle lamp or illuminating device, other than a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or emergency vehicle, tow truck, or school bus warning lamp, that projects a beam with an intensity brighter than 300 candlepower is required to be directed so that no part of the high-intensity portion of the beam strikes the roadway at a distance of more than 75 feet from the vehicle.

**Discussion:** The restriction on where the high intensity portion of the beam strikes the roadway does not apply to a headlamp (or any of the other types of lamps in the underlined section above). This section was written to govern other types of lamps, not headlamps. In actuality, almost every single headlamp strikes the roadway at a distance of more than 75 feet and would be in violation of 547.305 if they weren't specifically excluded.

(b) Except as expressly authorized by law, only a police vehicle may have a lamp or device that displays a red light visible from directly in front of the center of the equipment or vehicle. This is where we get the arrest title **Red Light to Front**. Exceptions include authorized emergency vehicles, school/church buses, and tow trucks authorized to be equipped with flashing red lights used at specified times.

(c) A person may not operate a motor vehicle equipped with a **red, white, or blue beacon, flashing, or alternating light** unless the equipment is used as specifically authorized by this chapter or a running lamp, headlamp, taillamp, backup lamp, or turn signal lamp that is used as authorized by law. Notable exceptions are highway maintenance/service vehicles (flashing blue permitted – [547.105](#)), and the vehicles described in the remainder of this section.

(d) Alternately flashing lighting equipment described by Section 547.701 or 547.702 (**flashing red lights**) are permitted only if the vehicle is:

- (1) a school bus;
- (2) an authorized emergency vehicle;
- (3) a church bus that has the words "church bus" printed on the front and rear of the bus;
- (4) a tow truck while under the direction of a law enforcement officer at the scene of a collision **OR** while hooking up to a disabled vehicle on a roadway; or
- (5) a tow truck with a mounted light bar which has turn signals and stop lamps in addition to those required by law.

**Discussion: Can a tow truck flash red and blue lights?** YES – but only when working under the direction of an officer at a crash scene **or** while hooking up to a disabled vehicle on the roadway (regardless of whether or not a police officer is present). 547.305(d) permits tow trucks to flash red lights and 547.305(e-4) and 547.105 permit them to flash blue lights because they are a service vehicle and because they are protected by the Move Over/Slow Down law.

(e) A person may not operate 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 the Texas Department of Transportation. Reference [547.105 \(Adoption of TXDOT Lighting Standards\)](#). These standards require a flashing amber light in certain circumstances and permit a flashing blue lamp in certain circumstances. Arrest Title - **Hwy Maintenance or Construction Vehicle/Service Vehicle Not Displaying Required Lamps**.

(e-1) A **security patrol vehicle** may only be equipped with **green, amber, or white lights**.

(e-2) A motor vehicle is equipped with a lamp or illuminating device under this section regardless of whether the lamp or illuminating device is attached to the motor vehicle temporarily or is activated.

**(e-3)** An **escort flag vehicle** may be equipped with alternating or flashing **blue and amber lights**. Escort flag vehicles are defined in [623.008\(1\)](#).

**(e-4)** A vehicle described by Section [545.157\(a\)](#) (Slow Down/Move Over law) may be equipped with flashing blue lights (authorized emergency vehicle, tow truck, highway maintenance or construction vehicle, utility service vehicle, garbage truck, toll authority contract vehicle).

**Reference** [547.751](#) and [547.752](#) – added effective 9/1/23 – Medical Examiner and Justice of the Peace vehicles may be equipped with red or red and blue emergency lights for to be used when responding to an inquest.

### **Operate Motorcycle Equipped with Ground Effect Lighting That Emits Other Than Non-Flashing LED White Or Amber Light**

#### **[547.306 - LED Ground Effect Lighting Equipment on Motorcycle or Moped](#)**

LED ground effect lighting on motorcycles or mopeds may only be **non-flashing amber or white light**. No other colors are permitted. This section is specific to ground effect lighting on motorcycles and mopeds. Ground effect lighting on other types of motor vehicles is not specifically regulated by the Transportation Code if it does not [impair the effectiveness of a required lamp](#).

### **Operate Motor Vehicle in Violation of FMVSS 571.108(Specify) (MC)**

#### **[547.3215 - Use of Federal Standard](#)**

This statute was adopted in 1997 and is retro-active to the date the federal lighting standards were first written (model year 1968). The federal lighting standards reference [49 CFR 571.108](#). The adoption of the federal lighting standard means **any vehicle that is model year 1968 or newer must be equipped with lights and reflective devices that conform to the federal manufacturer's lighting standards in effect at the time the vehicle was manufactured, not the standards in the Transportation Code.**

**Resource** - [THP-68](#) – this form is a concise synopsis of the federal lighting standards. For non-DPS network users, the THP-68 form can be found in the [Resources](#) section of the TRC Training Program website.

**Application:** Because Texas adopted the Federal Lighting Standards, when officers are examining a specific required lamp and determining if it is the correct color, is mounted at the correct height, and otherwise is a “legal” light, they should apply the standards found in 49 CFR 571.108 at the time the vehicle was manufactured.

#### **Example:**

The Texas Transportation Code states headlamps must be mounted from **24 to 54 inches**.  
The Federal 108 Lighting Standard states headlamps must be mounted from **22 to 54 inches**.

You are looking at a 2016 Ford Focus with headlamps mounted 23 inches high. Is this a violation? **No** – because the vehicle was manufactured under the federal lighting standard.

You are looking at a 1964 Plymouth Barracuda with headlamps mounted 23 inches high. Is this a violation? **Yes** – the vehicle was manufactured before the Federal 108 Lighting Standard was introduced in 1968. The headlamps must be mounted according to the specifications in the Transportation Code.

## Permitted Lamps vs. Required Lamps

The Texas Department of Public Safety clarified the adoption of the federal lighting standards in [DPS Administrative Code Title 37, Part 1, Chapter 21, Rule 21.2](#). Authority to do so is granted by [TRC 547.101](#).

- (a) **Standards** - Federal Motor Vehicle Safety Standard (FMVSS). The standard for vehicle equipment established by the Texas Department of Public Safety is identical to the applicable federal standard.
- (1) **Lamps, Reflective Devices, and Associated Equipment - FMVSS 108**. The standard detailed in this paragraph applies to lamps, reflective devices, and associated equipment installed on a vehicle as original, replacement, or aftermarket equipment. No additional lamp, reflective device, equipment, or other material is permitted to be installed on a vehicle that impairs the effectiveness of, or interferes with, lighting or reflective devices required by this standard. **A lamp or reflective device installed in a location and manner described by FMVSS 108 must meet the prescribed color requirements regardless of whether or not the lamp or device is required equipment.**

### Required Lamps

A lamp that is required by state law or by the Federal 108 Lighting Standard must comply with very specific display requirements. The lamps must be positioned correctly and must display only specific colors. The lamp must be kept in operational condition.

### Permitted Lamps

At times, vehicles display lamps that are defined and permitted to be present, but that are not required to be present.

A permitted lamp is not required to function, however if it is functioning it must still meet specific display and color requirements for that particular type of lamp (see bolded text in admin code above).

### Permitted Lamp Enforcement Examples:



**Fog Lamps** – fog lamps are not required to be present on a vehicle. If present, however, TRC 547.328 mandates that a fog lamp be mounted from 12 to 30 inches and states that no more than two fog lamps may be present. SAE J583 requires fog lamps to be white or yellow. A fog lamp that is not functioning is not a violation, however a fog lamp that is mounted at the wrong height or is not the correct color is a violation of the law.

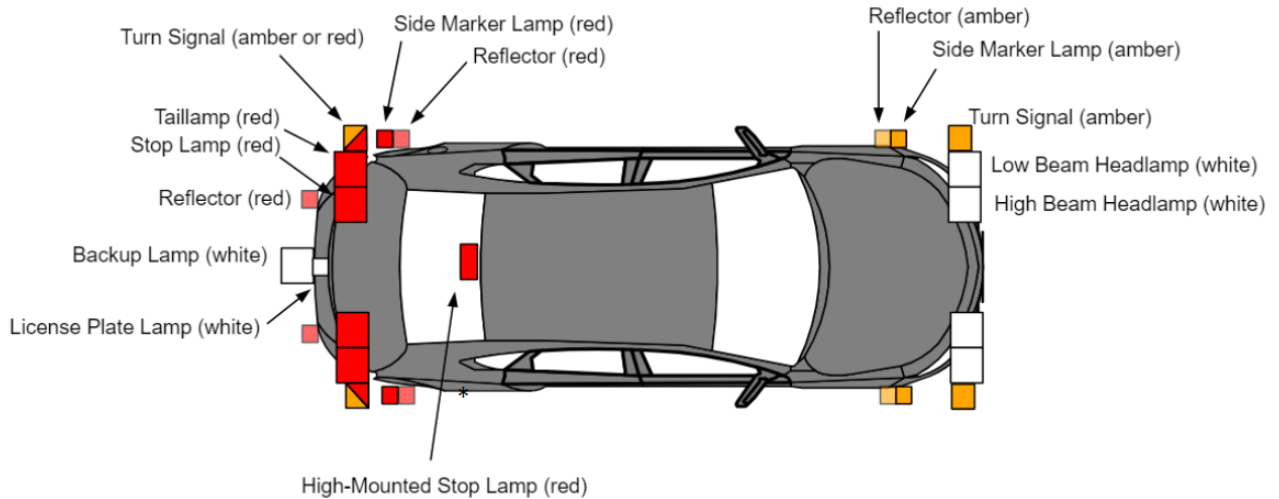


**ID and Clearance Lamps** – ID and clearance lamps are only required on vehicles at least 80" wide. They are required to be amber to the front and red to the rear. A vehicle that is less than 80" wide is not required to have ID and clearance lamps, however if the vehicle is displaying such lamps, they must meet the specific color specifications. This pickup is less than 80" wide and is not required to display ID and clearance lamps. There is no violation if one of these permitted lamps is not working, however there is a violation for displaying the wrong color ID and clearance lamps (white to the front).

## Federal Lighting Standard Summary

Below is a summary and diagram of required lamps for most vehicles as described in the federal lighting standards adopted in [547.3215](#). For details concerning each specific light, please see the corresponding section of this guide.

### Summary Diagram: Required lighting on all Passenger Cars, and on Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, Less Than 80 inches (2032 MM) in Overall Width – Federal Lighting Standard



\* High-Mounted Stop lamp not required on vehicles 80" or wider or with a GVWR of more than 10,000 pounds

#### 25 Required Lamps or Reflectors

**11 per side, plus 3** (backup lamp, license plate lamp, and high-mounted stop lamp)

#### On Each Half of the Vehicle

High Beam Headlamp **(white)**  
 Low Beam Headlamp **(white)**  
 Front Turn Signal **(amber)**  
 Front Side Marker Lamp **(amber)**  
 Front Side Marker Reflector **(amber)**  
 Rear Side Marker Lamp **(red)**  
 Rear Side Marker Reflector **(red)**  
 Taillamp **(red)**  
 Stop Lamp **(red)**  
 Rear Turn Signal **(red or amber)**  
 Rear reflector **(red)**

#### Plus 3

Backup Lamp **(white)**  
 License Plate Lamp **(white)**  
 High-Mounted Stop Lamp\* **(red)**



**Vehicle Equipped So as to Impair Effectiveness of Required Lamp, FMVSS 571.108, Sec. 6.2 (MC)**

As stated above, Texas adopted the Federal Motor Vehicle Safety Standards for vehicle lighting found in [49 CFR 571.108](#). One provision of this standard is Section 6.2.1, which states, “No additional lamp, reflective device, or other motor vehicle equipment is permitted to be installed that impairs the effectiveness of lighting equipment required by this standard.”

[Texas DPS Administrative Code Title 37, Part 1, Rule 21.2](#) clarifies: *Lamps, Reflective Devices, and Associated Equipment - FMVSS 108. The standard detailed in this paragraph applies to lamps, reflective devices, and associated equipment installed on a vehicle as original, replacement, or aftermarket equipment. No additional lamp, reflective device, equipment, or other material is permitted to be installed on a vehicle that impairs the effectiveness of, or interferes with, lighting or reflective devices required by this standard.*

A vehicle owner who has added accessory lighting or otherwise equipped their vehicle in a manner that impairs the effectiveness of the vehicle’s required lights commits this violation.

**Enforcement Examples:**

This vehicle was in violation for operating with smoked taillamp covers (one cover has been removed for the purposes of this photo). The smoked covers impair the effectiveness of the vehicle’s brake lamps and taillamps, therefore a violation of 571.108 federal lighting standard exists. Any peace officer can enforce these federal lighting standards because Texas adopted them into state law in TRC [547.3215](#).



This vehicle is in violation because a translucent cover/film has been placed over the headlamps that impairs their effectiveness. Headlamps are required lamps under the 571.108 federal lighting standard.



**No/Defective Head Lamps (MC)**

**Defective/Non-Compliant Headlamps, FMVSS 571.108 (MC)**

There are two arrest titles for most required vehicle lights because the Texas TRC provides one standard for lights and the Federal Motor Vehicle Safety Standard 571.108 provides another standard. Texas has adopted the 571.108 standard, therefore vehicles operating in Texas are required to display lamps that perform according to the federal lighting standard that was in effect when the vehicle was manufactured. This standard originated in 1968. For more information on the use of the Federal lighting standard, see the guidance for the [Operate Motor Vehicle In Violation Of FMVSS 571.108](#) arrest title.

**Federal Lighting Standard for Headlamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
<b>Required - All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses</b>					
Lower Beam Headlamps	White, of a headlighting system listed in <a href="#">Table II</a>	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 22 inches nor more than 54 inches	The wiring harness or connector assembly of each headlighting system must be designed so that only those light sources intended for meeting lower beam photometrics are energized when the beam selector switch is in the lower beam position, and that only those light sources intended for meeting upper beam photometrics are energized when the beam selector switch is in the upper beam position, except for certain systems listed in Table II and semiautomatic headlamp beam switching devices certified to <a href="#">S9.4.1.6</a> . Steady burning, except that may be flashed for signaling purposes or vary in intensity for adaptive driving beam functionality.	<a href="#">547.321</a> Headlamp mounting requirement is 24 – 54 inches for vehicles not subject to the federal standard.  <a href="#">547.333</a> Most vehicles are required to have high beams and low beams in state law. <a href="#">547.334</a> provides an exception to the multiple-beam requirement for motor vehicles manufactured prior to September 4, 1948, and for farm tractors.
Upper Beam Headlamps	White, of a headlighting system listed in <a href="#">Table II</a>	On the front, at the same height, symmetrically about the vert. centerline, as far apart as practicable	Not less than 22 inches nor more than 54 inches		

**Headlamp markings in the Federal Lighting Standard:**

*S6.5.1DOT marking.* The lens of each original equipment and replacement headlamp, and of each original equipment and replacement beam contributor, and each replacement headlamp lens for an integral beam or replaceable bulb headlamp, must be marked with the symbol “DOT” either horizontally or vertically to indicate certification under [49 U.S.C. 30115](#).



## Texas TRC Requirements for Headlamps (standard for pre-1968 vehicles)

### [547.321 - Headlamps Required](#)

A motor vehicle must be equipped with at least two headlamps - one headlamp must be mounted on each side of the front of the vehicle and each headlamp must be mounted at a height from 24 to 54 inches.

**Discussion – Is it a violation to have a defective headlamp during the day? Yes.**

The stop is made for a defective headlamp, not for driving without lights when required. Applicable state and federal lighting laws simply state that a vehicle must be equipped with at least two headlamps.

If one of the headlamps is not working, the vehicle is only equipped with one headlamp that meets required standards at the time of the traffic stop and is therefore in violation of the law.

[547.004\(a\)\(2\)](#) further indicates it is an offense to operate a vehicle that “is not equipped in a manner that complies with the vehicle equipment standards and requirements established by this chapter.” [547.333](#) establishes performance standards for headlamp systems and requires certain distributions of light on lower beam and on upper beam. A defective headlamp is incapable of producing the required distribution of light, and therefore it is not considered to comply with vehicle equipment standards established by Chapter 547.

Texas also [adopted the federal 571.108 lighting standards \(547.3215\)](#), so assuming this vehicle is subject to this standard (manufactured in 1968 or newer), each headlamp must be capable of performing as required by the federal standard. A defective headlamp would clearly not perform according to this standard. There is no mention in the TRC or the Federal 108 standard of lamps only having to meet the applicable standards at nighttime or during times of reduced visibility. The law simply requires that vehicles be “equipped with” lamps that meet the applicable standards.

## Defective Tail Lamp (MC)

## Defective/Non-Compliant Taillamps, FMVSS 571.108 (MC)

There are two arrest titles for most required vehicle lights because the Texas TRC provides one standard for lights and the Federal Motor Vehicle Safety Standard 571.108 provides another standard. Texas has adopted the 571.108 standard, therefore vehicles operating in Texas are required to display lamps that perform according to the federal lighting standard that was in effect when the vehicle was manufactured. This standard originated in 1968. For more information on the use of the Federal lighting standard, see the guidance for the [Operate Motor Vehicle In Violation Of FMVSS 571.108](#) arrest title.

### Federal Lighting Standard for Taillamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Taillamps	2 Red	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than <b>15 inches</b> nor more than <b>72 inches</b>	Steady burning. Must be activated when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated. May be activated when the headlamps are activated at less than full intensity as Daytime Running Lamps (DRL).	<a href="#">547.322</a> Model year 1959 or older – only one taillamp is required.

### Federal Lighting Standard for Taillamps for All Trailers, THP-68, Table 1-B

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Taillamps	2 Red, or 1 red on trailers less than 30 inches wide	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable. If a single lamp, must be mounted at or near the vert. centerline	Not less than <b>15 inches</b> nor more than <b>72 inches</b>	Steady burning.	<a href="#">547.322</a> Same requirements as federal standard. See also applicability exceptions in <a href="#">547.304</a> .

### Texas TRC Requirements for Taillamps (standard for pre-1968 vehicles)

#### [547.322 - Taillamps Required](#)

A motor vehicle, trailer, semitrailer, pole trailer, or vehicle that is towed at the end of a combination of vehicles shall be equipped with at least two taillamps. A passenger car or truck that was manufactured or assembled before the model year 1960 shall be equipped with at least one taillamp.

**Taillamp Mounting:** on the rear of the vehicle at a height from 15 to 72 inches and at the same level and spaced as widely apart as practicable if a vehicle is equipped with more than one lamp.

**Taillamp Color:** red light plainly visible at a distance of 1,000 feet from the rear of the vehicle.

**Case Law – [Vicnair v. State, 751 S.W.2d 180](#)** - Some white light is permissible from a cracked taillamp lens as long as the lamp still emits red light visible to the required distance.

**Wrong Color License Plate Lamp (MC)**

**No/Defective License Plate Lamp (MC)**

**Defective/Non-Compliant License Plate Lamp, FMVSS 571.108 (MC)**

There are multiple arrest titles for most required vehicle lights because the Texas TRC provides one standard for lights and the Federal Motor Vehicle Safety Standard 571.108 provides another standard. Texas has adopted the 571.108 standard, therefore vehicles operating in Texas are required to display lamps that perform according to the federal lighting standard that was in effect when the vehicle was manufactured. This standard originated in 1968. For more information on the use of the Federal lighting standard, see the guidance in [Operate Motor Vehicle In Violation Of FMVSS 571.108](#).

**Federal Lighting Standard for License Plate Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
License Plate Lamp	1 White Additional lamps permitted to meet requirements	On the rear to illuminate license plate from <b>top or sides</b> (see standard below)	No Requirements	Steady burning. Must be activated when the headlamps are activated in a steady burning state or when the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.	<a href="#">547.322(f)</a> A <b>white</b> license plate lamp is required to make the plate clearly legible at a distance of <b>50 feet</b> .

**Federal Lighting Standard for License Plate Lamps for All Trailers, THP-68, Table 1B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
License Plate Lamp	1 White Additional lamps permitted to meet requirements	On the <b>rear</b> to illuminate license plate from top or sides	No requirement	Steady burning.	<a href="#">547.322(f)</a> A <b>white</b> license plate lamp is required to make the plate clearly legible at a distance of <b>50 feet</b> .

**License plate Lamp performance in the Federal Lighting Standard:**

**S7.7.15.1** - Each license plate lamp installed on a vehicle other than a motorcycle or motor driven cycle must be of such size and design as to provide illumination on all parts of a 150 mm by 300 mm test plate.

**Discussion:** A vehicle subject to the federal lighting standards (Year model 1968 and newer) must have a license plate lamp that illuminates all of the license plate. When articulating reasonable suspicion/probable cause for a stop based on a license plate lamp that is not functioning properly, you should rely on the federal standard’s performance requirements rather than the 50 foot visibility requirement found in the Transportation Code if the vehicle was manufactured after 1967.

**Texas TRC Requirements for License Plate Lamps (standard for pre-1968 vehicles)**

**547.322 - Taillamps Required**

**(f)** A taillamp or a separate lamp shall be constructed and mounted to emit a white light that illuminates the rear license plate and makes the plate clearly legible at a distance of 50 feet from the rear.

**Inoperable/Obscured Stop Lamp(s) (MC)**  
**No Stop Lamps (MC)**  
**Defective/Non-Compliant Stop Lamps, FMVSS 571.108 (MC)**

There are multiple arrest titles for most required vehicle lights because the Texas TRC provides one standard for lights and the Federal Motor Vehicle Safety Standard 571.108 provides another standard. Texas has adopted the 571.108 standard, therefore vehicles operating in Texas are required to display lamps that perform according to the federal lighting standard that was in effect when the vehicle was manufactured. This standard originated in 1968. For more information on the use of the Federal lighting standard, see the guidance for the [Operate Motor Vehicle In Violation Of FMVSS 571.108](#) arrest title.

**Note:** for High Mounted Stop Lamps, see the [next section](#).

**Federal Lighting Standard for Stop Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Stop Lamps	2 Red	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches nor more than 72 inches	Steady burning. Must be activated upon application of the service brakes. When optically combined with a turn signal lamp, the circuit must be such that the stop signal cannot be activated if the turn signal lamp is flashing. May also be activated by a device designed to retard the motion of the vehicle.	<a href="#">547.323</a> Stop lamps may be <b>red or amber</b> for vehicles not subject to the federal standard. No height requirement. Model year 1959 or older – only one stop lamp is required.
		Note: a high-mounted stop lamp is also required for most vehicles – see page 5.			

**Important:** The federal lighting standards also required a high-mounted stop lamp on many vehicles. They will be discussed [in the next section](#).

**Federal Lighting Standard for Stop Lamps for All Trailers, THP-68, Table 1-B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Stop Lamps	2 Red, or 1 red on trailers less than 30 inches wide	On the rear, at the same height, symmetrically about the vertical centerline, as far apart as practicable. If a single lamp, must be mounted at or near the vert. centerline	Not less than 15 inches nor more than 72 inches	Steady burning. Must be activated upon application of the service brakes. When optically combined with a turn signal lamp, the circuit must be such that the stop signal cannot be activated if the turn signal lamp is flashing. May also be activated by a device designed to retard the motion of the vehicle.	<a href="#">547.323</a> Same requirements as federal standard. See also applicability exceptions in <a href="#">547.304</a> .

**Texas TRC Requirements for Stop Lamps (standard for pre-1968 vehicles)**

**[547.323 - Stoplamps Required](#)**

A motor vehicle, trailer, semitrailer, or pole trailer shall be equipped with at least two stoplamps. A passenger car manufactured or assembled before the model year 1960 shall be equipped with at least one stoplamp.

**Stoplamp Mounting:** on the rear of the vehicle

**Stoplamp Color:** red or amber light that is visible in normal sunlight at a distance of at least 300 feet from the rear of the vehicle and displayed when the vehicle service brake is applied.

**Flashing Stop Lamp Exceptions:**

Numerous vehicle manufacturers and aftermarket accessory manufacturers have approached NHTSA regarding devices that flash the high-mounted stop lamp or other stop lamps upon brake application. NHTSA has consistently issued interpretations stating that such a device would violate the federal lighting standards. NHTSA goes on to state in many cases that they only regulate vehicle manufacturers and that they would not address the legality of a vehicle owner installing an aftermarket part, however Texas requires that vehicle lamps comply with the federal lighting standards ([547.3215](#)). In essence, if NHTSA rules that a specific devices violates the federal lighting standards for vehicle manufacturers, Texas law would also consider the device to be a roadside violation because the lamp was no longer in compliance with the federal standards.

Here are some examples of NHTSA interpretations for flashing stop lamps:

<https://www.nhtsa.gov/interpretations/20288zvtv>

<https://www.nhtsa.gov/interpretations/nht95-519>

<https://www.nhtsa.gov/interpretations/11303>

There are three current exceptions to the requirement for stop lamps to be steady burning. In each exception, the vehicle in question is required to have regular steady-burning stop lamps but they are permitted to have additional auxiliary stop lamps that flash in a specified manner. The exceptions have been granted by the Federal Motor Carrier Safety Administration for certain commercial motor vehicles.

**Exception 1** – Motor carriers operating tank trailers may install a red or amber brake activated pulsating lamp or lamps in addition to the normal steady burning stop lamps (see details below).

**Exception 2** – Motor carriers operating trailers on van-style trucks may install an auxiliary stop lamp that flashes amber upon brake activation and then becomes steady burning red (see details below).

**Exception 3** – Waste Management Inc. has been granted a waiver to replace the high-mounted brake lights on their owned and operated fleet of heavy-duty refuse and support trucks with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the Federal Motor Carrier Safety Regulations.

#### Tank Trailer Exception

[FMCSA has issued a waiver](#) to allow motor carriers operating tank trailers to install a red or amber brake-activated pulsating lamp in the **upper center position or in an upper dual outboard position** on the rear of the trailer, in addition to the normal steady-burning brake lamps. These lamps are not high-mounted stop lamps (trailers are not equipped with high-mounted stop lamps). These lamps are, in essence, an auxiliary stop lamp that flashes red or amber when the brakes are applied.

This waiver is valid from October 2020 until October 2025. Officers encountering tank trailers with flashing stop lamps installed in this manner should take no enforcement action as long as the trailer's normal stop lamps are steady burning.

**These lamps may be red or amber and they may flash the entire time the brakes are activated on a tanker trailer.**

**dual outboard position**



**center position**



#### Other Trailers and Van-Style Trucks

[FMCSA has issued a waiver](#) granting the installation of auxiliary stop lamps in one of five configuration options on trailers and van-style trucks. These lamps flash amber upon initial brake activation and



become steady burning red once the amber flashing sequence is complete. The waiver is valid from December 2020 until December 2025.

**These lamps may flash amber upon brake application on motor carrier operated trailers and van-style trucks in one of these five configurations:**



#### Waste Management Exception

[FMCSA has issued a waiver](#) allowing Waste Management Inc. to replace the high-mounted brake lights on their owned and operated fleets of heavy-duty refuse and support trucks with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the Federal Motor Carrier Safety Regulations.

#### **Defective/Non-Compliant High-Mounted Stop Lamp, FMVSS 571.108**

**Note:** The Texas Transportation Code does not mention high-mounted stop lamps, however these lamps are required on most vehicles in the 571.108 federal lighting standard adopted in Texas. For more information on the use of the Federal lighting standard, see the guidance for the [Operate Motor Vehicle In Violation Of FMVSS 571.108](#) arrest title.

**Note:** A high-mounted stop lamp has not always been required by the federal lighting standards. See effective dates of this requirement below.

#### **The following are effective dates for the high-mounted stop lamp requirement:**

**Passenger Cars** – Required if manufactured on or after September 1, 1985.

**MPVs (SUVs), Trucks, and Buses less than 80” wide and with a GVWR of 10,000 lbs. or less** – Required if manufactured on or after September 1, 1993.

**MPVs (SUVs), Trucks, and Buses 80” or more in overall width** – not required

**MPVs (SUVs), Trucks, and Buses with a GVWR of over 10,000 lbs.** – not required



**Federal Lighting Standard for High-Mounted Stop Lamps, All Passenger Cars, and on Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, Less Than 80 inches in Overall Width and with a GVWR of 10,000 Lbs. or Less, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
High mounted stop lamp	1 Red, or 2 red where exceptions apply. See Section <a href="#">6.1.1.2</a>	On the rear including glazing, with the lamp center on the vertical centerline as viewed from the rear	Not less than 34 inches except for passenger cars. See Section <a href="#">6.1.4.1</a>	Steady burning. Must only be activated upon application of the service brakes or may be activated by a device designed to retard the motion of the vehicle.	State law does not require a high-mounted stop lamp on vehicles not subject to the federal standard.

**Discussion:** What if a vehicle was manufactured with a high-mounted stop lamp in compliance with federal standards but the vehicle owner subsequently removed the lamp? This is a violation. Although the federal standards are a manufacturer’s standard, the required lamps described in the standard must be present on the vehicle and the vehicle owner must remain compliant with these standards.

**Supporting case law** – [State v. Powell](#)).

**Discussion:** A high-mounted stop lamp is not required on a truck with a GVWR of more than 10,000 pounds. Many modern one-ton pickups have a GVWR that exceeds 10,000 pounds. While these vehicles may be equipped with a high-mounted stop lamp, the lamp is not required to function. The photo to the right depicts a 2021 RAM dually, GVWR 13,000 lbs. A high-mounted stop lamp is not required.



**Discussion:** Is it a violation for a pickup to have a camper cover/top that blocks its high-mounted stop lamp?

Yes. As long as the truck is required to have a high-mounted stop lamp (see requirements above), the vehicle may not be equipped in a manner that impairs the effectiveness of one of the required lamps (See arrest title - [Vehicle Equipped So As to Impair Effectiveness of Required Lamp, FMVSS 571.108](#)).

A camper top should have an auxiliary high-mounted stop lamp added to the back to ensure compliance. 571.108 S6.2.2 states, *If any required lamp or reflective device is obstructed by motor vehicle equipment (e.g., mirrors, snow plows, wrecker booms, backhoes, winches, etc.) including dealer installed equipment, and cannot meet the applicable photometry and visibility requirements, the vehicle must be equipped with an additional lamp or device of the same type which meet all applicable requirements of this standard, including photometry and visibility.*



**Discussion: Are flashing high-mounted stop lamps legal?**

Many dealerships and vehicle owners are installing modules that flash or pulse the high-mounted stop lamp as a safety upgrade. The lamps usually then revert to a steady burning state until the brake is released.

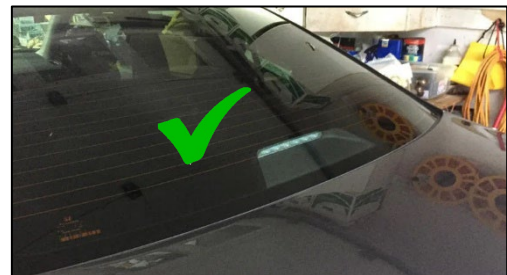
Per the [108 Federal Lighting Standard](#), all stop lamps (high-mounted or otherwise) are required to be “steady burning” upon brake application. A stop lamp that flashes upon brake application is not compliant with the federal lighting standards adopted in Texas ([Defective/Non-compliant Stop Lamp](#), [Defective/Non-Compliant High-Mounted Stop Lamp](#)).

In instances where a stop lamp momentarily varies intensity upon brake application (i.e. pulses, not flashes), it is recommended that officers consider the lamp to be legal. Although a variance in intensity can be interpreted as “not steady burning”, there is significant and ongoing debate and conflict between the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration. Given the current climate, officers are encouraged to consider a momentary variance in HMSL intensity to be acceptable pending further NHTSA interpretation. [There are three exceptions to the requirement for stop lamps to be steady burning.](#)

**Discussion: Is it a violation to have window tint covering a high-mounted stop lamp in the back window?**

Yes. If a vehicle is required to have a high-mounted stop lamp, it is a violation for the vehicle to be equipped in a manner that impairs the effectiveness of a required lamp (See arrest title - [Vehicle Equipped So As to Impair Effectiveness of Required Lamp, FMVSS 571.108](#)).

Window tint covering a high-mounted stop lamp impairs the brightness of the lamp. Tint installers should a portion of the rear window untinted directly behind the high-mounted stop lamp as depicted in the bottom picture to the right.



**Defective Turn Signal Lamp (MC)**

**Defective/Non-Compliant Turn Signal Lamps, FMVSS 571.108 (MC)**

There are two arrest titles for most required vehicle lights because the Texas TRC provides one standard for lights and the Federal Motor Vehicle Safety Standard 571.108 provides another standard. Texas has adopted the 571.108 standard, therefore vehicles operating in Texas are required to display lamps that perform according to the federal lighting standard that was in effect when the vehicle was manufactured. This standard originated in 1968. For more information on the use of the Federal lighting standard, see the guidance for the [Operate Motor Vehicle In Violation Of FMVSS 571.108](#) arrest title.

**Federal Lighting Standard for Turn Signal Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Turn Signal Lamps	2 Amber	At or near the front, at the same height, symmetrically about the vert. centerline, as far apart as practicable	Not less than 15 inches nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.	<a href="#">547.324</a> Front turn signals can be white or amber for vehicles not subject to the federal standard. Rear turn signals are still required to be red or amber. Turns signals are not required on vehicles manufactured prior to 1960 if less than 80" wide.
	2 Amber or red (Truck tractor exception, see <a href="#">S6.1.1.3</a> )	On the rear, at the same height, symmetrically about the vert. centerline, as far apart as practicable	Not less than 15 inches nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.	

**Federal Lighting Standard for Turn Signal Lamp for All Trailers, THP-68, Table 1B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Turn Signal Lamps	2 Red or Amber	On the rear, at the same height, symmetrically about the vert. centerline, as far apart as practicable	Not less than 15 inches nor more than 83 inches	Flash when the turn signal flasher is actuated by the turn signal operating unit.	<a href="#">547.324</a> 2 amber or red required, however turn signals are not required on trailers manufactured prior to model year 1960. See also applicability exceptions in <a href="#">547.304</a> .

**Texas TRC Requirements for Turn Signal Lamps (standard for pre-1968 vehicles)**

**547.324 - Turn Signal Lamps Required**

Electric turn signal lamps visible in normal sunlight at a distance of at least 500 feet from the front and rear of the vehicle if the vehicle is at least 80 inches wide and at least 300 feet from the front and rear of the vehicle if the vehicle is less than 80 inches wide.

**Turn Signal Mounting:** mounted at the same level and spaced as widely apart as practicable on the front and on the rear of the vehicle.

**Turn Signal Color:** white or amber light to the front and a red or amber light to the rear.

**Note:** While the TRC permits “white or amber” turn signals to the front, the Federal 108 lighting standard requires front turn signal lamps to be amber. A vehicle subject to the federal standards (manufactured after 1967) would be in violation if the front turn signals were white.

- No/Defective Rear Reflector (MC)**
- Improperly Mounted Reflector (MC)**
- Wrong Color Rear Reflector (MC)**
- Defective/Non-Compliant Reflectors, FMVSS 571.108 (MC)**

**Federal Lighting Standard for Reflectors for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Reflex Reflectors	2 Amber	On each side as far to the front as practicable	Not less than 15 inches nor more than 60 inches	Not applicable.	State law does not require side reflex reflectors on vehicles not subject to the federal standard.
	2 Red (not req. on truck tractor).	On each side as far to the rear as practicable	Not less than 15 inches nor more than 60 inches	Not applicable.	
Reflex Reflectors	2 Red	On the rear, at the same height, symmetrically about the vert. centerline, as far apart as practicable. On a truck tractor May be mounted on back of the cab not less than 4 inches above the height of the rear tires.	Not less than 15 inches nor more than 60 inches	Not applicable.	<a href="#">547.325</a> 2 red reflectors mounted 15 – 60 inches are required on the rear of a vehicle not subject to the federal standard, however they are not required to be spaced as far apart as practicable.

**Federal Lighting Standard for Reflectors – All Trailers, THP-68, Table 1B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
<b>Reflex Reflectors.</b> A trailer equipped with a conspicuity treatment in conformance with <a href="#">S8.2</a> of this standard ( <b>retroreflective sheeting</b> ) need not be equipped with reflex reflectors if the conspicuity material is placed at the locations of the required reflex reflectors	<b>2 Amber</b> None required on trailers less than 6 ft in length	On each <b>side</b> as far to the front as practicable exclusive of the trailer tongue	Not less than <b>15 inches</b> nor more than <b>60 inches</b>	Not applicable.	<a href="#">547.352</a> , <a href="#">547.354</a> For trailers not subject to the federal standard, state law only requires <b>front and rear side reflectors</b> if the trailer is at least 80 inches wide (mounted <b>24-60 inches</b> high).
	<b>2 Red</b>	On each <b>side</b> as far to the rear as practicable	Not less than <b>15 inches</b> nor more than <b>60 inches</b>	Not applicable.	
	<b>2 Red</b> or 1 red on trailers less than 30 inches wide	On the <b>rear</b> , at the same height, symmetrically about the vertical centerline, as far apart as practicable When a single reflector is installed it must be mounted at or near the vertical centerline.	Not less than <b>15 inches</b> nor more than <b>60 inches</b>	Not applicable.	<a href="#">547.325</a> <b>2 red reflectors</b> mounted <b>15 - 60 inches</b> are required on the <b>rear</b> of a vehicle not subject to the federal standard, however they are not required to be spaced as far apart as practicable.

**Note:** Rear reflectors are often incorporated into the taillamp lenses. A taillamp lens that is not reflective is not a violation (as long as the lamp emits a red light), however if the tail lamp is not reflective the vehicle must have two red reflectors mounted elsewhere on the rear of the vehicle.

**Texas TRC Requirements for Reflectors (standard for pre-1968 vehicles)**

[547.325 - Reflectors Required](#)

At least two red reflectors on the rear of the vehicle.

**Reflector Mounting:** may be included as a part of a taillamp and shall be mounted at a height from 15 to 60 inches

**Reflector Color/Visibility:** Must be red and must be visible at night at all distances from 100 to 600 feet when directly in front of lawful lower beams of headlamps or from 100 to 350 feet when directly in front of lawful upper beams of headlamps if the vehicle was manufactured or assembled before January 1, 1972.

### No/Defective Lamps On Animal Drawn Vehicle (MC)

### Vehicle Failed to Have Minimum Lighting Equipment at Night (MC)

#### [547.326 - Minimum Lighting Equipment Required](#)

This is the catch-all **minimum lighting** requirement for a vehicle **operated on the highway at night or when visibility is reduced below 1000 feet**.

It applies to vehicles that are otherwise not required to have specific lights and even applies to the vehicles that are otherwise exempt from Chapter 547 per [547.002](#) (Applicability). This section also applies to animal drawn vehicles.

These vehicles shall be equipped at the times specified in Section [547.302\(a\)](#) (nighttime and when visibility is reduced below 1000 feet):

- 1) **one white lamp** visible at a distance of at least **1,000 feet from the front**
- 2) **two red lamps** visible at a distance of at least **1,000 feet from the rear; or**
- 3) **one red lamp** visible at a distance of **1,000 feet from the rear** and **two red reflectors** visible at a distance of **100 to 600 feet** to the rear.

### Improper Use Of Spot Lamps (MC)

### Too Many Spot Lamps (MC)

#### [547.327 - Spotlamps Permitted](#)

Spot lamps are permitted, not required. A motor vehicle may be equipped with not more than two spotlamps. A spotlamp shall be aimed so that no part of the high-intensity portion of the beam strikes the windshield, window, mirror, or occupant of another vehicle in use. Spotlamps are defined in the Federal Lighting Standards (but not required by the federal standards).

### Improper Use Of Fog Lamps (MC)

### Too Many Fog Lamps (MC)

### Defective Fog Lamps - Wrong Color (MC)

#### [547.328 - Fog Lamps Permitted](#)

**No more than two** fog lamps may be present, they must be mounted **between 12 – 30 inches**, and may be used in conjunction with low beam headlamps. Fog lamps must be **white or yellow** (see next paragraph).

Fog lamps are not defined in the TRC or in the Federal Lighting Standard, however they are described in detail in the SAE J583. This document was adopted in DPS Admin Code ([Rule 21.2](#)) and requires that a fog lamp be white or yellow. Fog lamps of any other color are considered to be the wrong color.



**Improper Use Of Auxiliary Driving Lamps (MC)**

**Too Many (More Than Two) Auxiliary Driving Lamps (MC)**

**Improperly Placed Auxiliary Driving Lamp (MC)**

**547.330 - Auxiliary Driving Lamps Permitted**

A motor vehicle may be equipped with **no more than two** auxiliary driving lamps mounted on the front of the vehicle at a height from **16 to 42 inches**. LED lightbars fall into this category. They may be used with headlamps as long as they are used in compliance with [547.333](#), which requires that the lowermost distribution of light from headlamps and auxiliary driving lamps be selected when within 500 feet of an approaching vehicle and 300 feet when following another vehicle. The lowermost distribution of light would be low beams on, high-beams and auxiliary lamps off.

**In other words**, an LED light bar would have to be mounted between 16 and 42 inches and it could only be used with the high-beams headlights in situations where high-beam headlights are authorized.

If the auxiliary driving lamp in the picture to the right was ever activated on a public highway, a violation would exist because it is mounted more than 42 inches high (**Improperly Placed Auxiliary Driving Lamp**).



Auxiliary Driving Lamps are not defined in the TRC or the Federal Lighting Standard, however they are described by SAE engineering code J-581 (adopted in Texas by administrative code – [Title 37, Part 1, Rule 21.2](#)).

**3.1 AUXILIARY HIGH BEAM LAMP**

A lighting device mounted to provide illumination forward of the vehicle and intended to supplement the high beam of a standard headlamp system. It is not intended for use alone or with the lower beam of a standard headlamp system. An auxiliary highbeam lamp may also be known as an, auxiliary upper beam lamp or auxiliary driving lamp.

Based on the definition for auxiliary driving lamp adopted by administrative code (J581 above), auxiliary driving lamps are not intended to be used alone or with lower beam headlamps, therefore such use is improper and in violation of [547.330](#).

J581 also requires that Auxiliary Driving Lamps be **white** in color.

**Enforcement Guidance:** The THP enforcement guidance for these lamps is that enforcement action should only be taken if the lamp is turned on and used improperly. Lamps that are turned off, even if improperly mounted, should not be used as PC for stops (Reference Traffic Enforcement Guidance training course, 2019-2021 THP In-Service training cycle).



### Wrong Color/Defective Hazard Lamps (MC)

**Federal Lighting Standard Requirements for Hazard Lamps, 571.108 - S6.6.2:** All vehicles to which this standard applies except trailers and motorcycles must be equipped with a vehicular hazard warning operating unit, a vehicular hazard warning signal flasher, and a vehicular hazard warning signal pilot indicator meeting the requirements of S9. This device should cause all the turn signal lamps to flash on the vehicle.

#### [547.331 - Hazard Lamps Permitted](#)

**TRC Requirements for Hazard Lamps:** Hazard lamps are permitted but not required on smaller vehicles (they are, however, required on larger vehicles, per [547.352](#)). Lamps should be visible at a distance of at least 500 feet in normal sunlight and shall display simultaneously flashing lights that emit a white or amber light to the front of the vehicle and red or amber light to the rear of the vehicle.

### Improper Use Of/Defective Backup Lamp (MC)

#### Wrong Color Backup Lamp (MC)

#### Defective/Non-Compliant Backup Lamp, FMVSS 571.108 (MC)

#### [547.332 - Other Lamps Permitted](#)

The TRC permits a backup lamp in this section, however the Federal 108 Lighting Standard requires a backup lamp – THP-68, Table 1A (p.3). The lamp must be **white** and It is a violation for the backup lamp to be activated when the vehicle is in forward motion. Most vehicles are manufactured with two backup lamps, however only one is required.

If a vehicle’s backup lamps are activated when the vehicle is in forward motion, a violation exists. This would include any auxiliary or supplemental backup lamps added to the rear of a vehicle.

### Federal Lighting Standard for Backup Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Backup Lamp	1 White Additional lamps permitted to meet requirements	On the rear	No Requirements	Steady burning. Must be activated when the ignition switch is energized and reverse gear is engaged. Must not be energized when the vehicle is in forward motion.	<a href="#">547.332</a> A white or amber backup lamp is permitted but not required for vehicles not subject to the federal standard.

## No/Defective Improper Multiple-Beam Road lighting Equipment (MC)

### Fail To Dim Headlights-Meeting (MC)

### Fail To Dim Headlights-Following (MC)

#### 547.333 - Multiple-beam Lighting Equipment Required

A headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle shall be arranged so that the operator can select at will between uppermost and lowermost distributions of light.

These lamps should produce an uppermost distribution of light that emits light sufficient to reveal a person or vehicle at a distance of at least 450 feet ahead during all conditions of loading, and a lowermost distribution of light that is sufficient to reveal a person or vehicle at a distance of at least 150 feet ahead, and is aimed so that no part of the high-intensity portion of the beam on a vehicle that is operated on a straight, level road under any condition of loading projects into the eyes of an approaching vehicle operator.

#### **When must high-beam headlamps be dimmed?**

- When approaching another vehicle within 500 feet from the front.
- When approaching another vehicle within 300 feet from the rear.

**Note:** When high-beam headlamps are required to be dimmed (i.e. the lowermost distribution of light is required to be selected) any auxiliary high-beam driving lamps must also be turned off.

#### **Is it illegal to flash headlights to warn other drivers of police presence in the area?**

There is nothing in the law that makes it specifically illegal to warn other motorists of police presence.

Some officers attempt to make a case for **Interference with Public Duties** ([PC 38.15](#)). This is not a good fit. This offense requires a culpable mental state of criminal negligence (a gross deviation from normal standards of care). It is difficult to prove this culpable mental state considering how many people flash their lights in this situation. There is also a specific defense to prosecution written into the section that states “(c) It is a defense to prosecution under Subsection (a)(1) that the conduct engaged in by the defendant was intended to warn a person operating a motor vehicle of the presence of a peace officer who was enforcing Subtitle C, Title 7, Transportation Code.” Subtitle C of the Transportation Code contains many moving violations including speeding. It is very clear that the intent of the law is not to prosecute someone for warning of police making traffic stops in the area.

**Failure to Dim Headlights - Meeting** is also not a good option. Many people flash only their regular headlamps. And if someone flashes their high beams, making a stop really goes beyond the legislative intent of the law. Clearly this law is written so that high-beam headlights do not impair other drivers’ ability to see. A temporary flash of the high beams (which often takes place in the daytime) may represent a very technical violation of 547.333 if the vehicle is within certain distances of other traffic, however this is not the type of violation the law was written to address. Traffic stops that go well beyond the intent of the law create bad case outcomes and more restrictive case law and legislation in the future. Failure to Dim should not be used when someone bumps their high beams temporarily to warn other drivers of police presence.

From a practical standpoint, flashing headlights isn't any different from someone making an entry on Google Maps or the Waze app advising of police in an area. Or two motorists who meet at a gas station and one says to the other, "Be careful if you're going west. I just passed a police officer running radar out that way." When a police officer observes a motorist attempting to warn other drivers of police enforcement efforts, generally no enforcement action should be attempted against that motorist.

**Wrong Color Side Marker Lamp (MC)**

**Defective/Non-Compliant Side Marker Lamps, FMVSS 571.108 (MC)**

**No/Defective Side Marker - Bus, Truck, Trailer, Semitrailer => 80 Inches (MC)**

**Improperly Mounted Side Marker (MC)**

**Improperly Mounted Side Marker; Trailer (MC)**

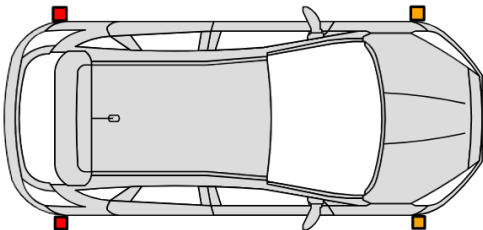
**No/Defective Reflector-Side, Front, Center (MC)**

**Side Marker Lamps Required on All Vehicles**

The Texas TRC only requires side marker lamps on larger vehicles, however the Federal Lighting Standard adopted in Texas ([547.3215](#)) requires side marker lamps at the front and rear of all passenger cars, multipurpose passenger vehicles, trucks, and buses (arrest title **Defective/Non-Compliant Side Marker Lamps, FMVSS 571.108**).

**Federal Lighting Standard for Side Marker Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Side Marker Lamps	2 Amber	On each side as far to the front as practicable	Not less than 15 inches	Steady burning except may be flashed for signaling purposes. Must be activated when the headlamps are activated in a steady burning state or the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.	State law does not require side marker lamps on vehicles not subject to the federal standard.
	2 Red (not req. on truck tractor).	On each side as far to the rear as practicable	Not less than 15 inches		



**Federal Lighting Standard for Side Marker Lamps for All Trailers, THP-68, Table 1B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Side Marker Lamps	2 Amber, none required on trailers less than 6 feet in overall length	On each side as far to the front as practicable exclusive of the trailer tongue	Not less than 15 inches	Steady burning except may be flashed for signaling purposes.	<a href="#">547.352</a> For trailers not subject to the federal standard, state law only requires front and rear side marker lamps if the trailer is at least 80 inches wide. See also applicability exceptions in <a href="#">547.304</a> .
	2 Red	On each side as far to the rear as practicable	Not less than 15 inches. Not more than 60 inches on trailers 80 inches or more in overall width		

**Side Marker Lamps and Reflectors Required on Vehicles at least 30' in Length**

In addition to the side markers at the front and rear, vehicles at least 30 feet in length are required to have additional side markers located near the midpoint of the vehicle.

**Federal Lighting Standard for Intermediate Side Marker Lamps for All Passenger Cars, Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, 30 Feet or Longer, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Intermediate side marker lamps	2 Amber	On each side located at or near the midpoint between the front and rear side marker lamps	Not less than 15 inches	Steady burning except may be flashed for signaling purposes. Must be activated when the headlamps are activated in a steady burning state or when the parking lamps on passenger cars and MPVs, trucks, and buses less than 80 inches in overall width are activated.	State law does not require intermediate side marker lamps on motor vehicles not subject to the federal standard.
Intermediate side reflex reflectors	2 Amber	On each side located at or near the midpoint between the front and rear side reflex reflectors	Not less than 15 inches nor more than 60 inches	Not applicable.	State law does not require intermediate side reflex reflectors on motor vehicles not subject to the federal standard.

Federal Lighting Standard for Trailers 30 Feet or Longer, THP-68, Table 1-B

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
<b>Intermediate Side Marker Lamps</b>	<b>2 Amber</b>	On each <b>side</b> located at or near the <b>midpoint</b> between the front and rear side marker lamps	<b>Not less than 15 inches</b>	Steady burning except may be flashed for signaling purposes.	<a href="#">547.352</a> 2 amber, centrally located, one on each side.
<b>Intermediate Side Reflex Reflectors</b> A trailer equipped with a <b>conspicuity treatment</b> in conformance with <a href="#">S8.2</a> of this standard need not be equipped with reflex reflectors if the conspicuity material is placed at the locations of the required reflex reflectors	<b>2 Amber</b>	On each <b>side</b> located at or near the <b>midpoint</b> between the front and rear side reflex reflectors	Not less than <b>15 inches</b> nor more than <b>60 inches</b>	Not applicable.	<a href="#">547.352</a> , <a href="#">547.354</a> 2 amber, centrally located, one on each side, mounted <b>24-60</b> inches.

**TRC Requirements for side markers on trailers or semitrailers at least 30 feet in length – [547.352](#)** – one side marker lamp centrally mounted on each side with respect to the length of the vehicle and one reflector centrally mounted on each side with respect to the length of the vehicle.

**Color Requirements**

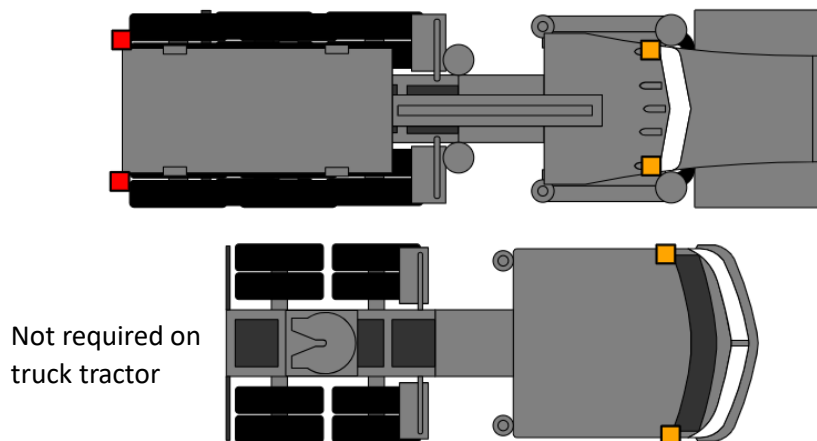
Side marker lamps required by the TRC and the Federal 108 lighting standard are required to be amber when placed near the front of the vehicle or at the midpoint and red when placed near the rear of the vehicle.

- No/Defective Clearance Lamp (MC)**
- Defective/Non-Compliant Clearance Lamps, FMVSS 571.108 (MC)**
- Wrong Color Front Clearance, ID, Side Marker Lamp, Or Reflector (Amber) (MC)**
- Wrong Color Rear Clearance, ID, Side Marker Lamp, Or Reflector (Red) (MC)**
- Improperly Mounted Clearance Lamp (MC)**

Clearance lamps are only required on buses, multipurpose passenger vehicles (SUVs), trucks, truck-tractors, trailers, and semitrailers with an overall width of **80” or more**. Most of these vehicles require clearance lamps at the front and the rear, however truck-tractors are only required to have clearance lamps on the front.

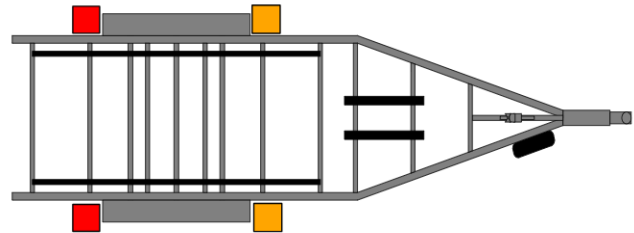
**Federal Lighting Standard for Multipurpose Passenger Vehicles, Trucks, and Buses 80" or more in Overall Width, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Clearance Lamps	2 Amber	On the <b>front</b> to indicate the overall width of the vehicle, or width of cab on truck tractor, at the same height, symmetrically about the vertical centerline May be located at a location other than the front if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle. May be combined with the side marker lamp.	As near the top as practicable	Steady burning.	<a href="#">547.352</a> Same requirements as the federal standard.
	2 Red (not req. on truck tractor)	On the <b>rear</b> to indicate the overall width of the vehicle, at the same height, symmetrically about the vertical centerline May be located at a location other than the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle. May be combined with the side marker lamp, but not the taillamp.	As near the top as practicable, except where the rear identification lamps are mounted at the extreme height of the vehicle.	Steady burning.	<a href="#">547.352</a> Same requirements as the federal standard.



**Federal Lighting Standard for Trailers 80" or more in Overall Width, THP-68, Table 1-B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Clearance Lamps	2 Amber	On the <b>front</b> to <b>indicate the overall width of the vehicle</b> , at the same height, symmetrically about the vertical centerline May be located at a location other than the front if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle	<b>As near the top as practicable</b>	Steady burning.	<a href="#">547.352</a> Same requirements as federal standard.
	2 Red	On the <b>rear</b> to indicate the <b>overall width of the vehicle</b> , at the same height, symmetrically about the vertical centerline May be located at a location other than the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle. May be combined with the side marker lamp, but not the taillamp	<b>As near the top as practicable</b> , except where the rear identification lamps are mounted at the extreme height of the vehicle.	Steady burning.	<a href="#">547.352</a> Same requirements as federal standard.
	2 Amber to front and red to rear	<b>On a boat trailer</b> the requirement for front and rear clearance lamps may be met by installation <b>at or near the midpoint on each side</b> of a dual facing lamp so as to indicate the extreme width. May be located at a location other than the front and the rear if necessary to indicate the overall width of the vehicle, or for protection from damage during normal operation of the vehicle	<b>As near the top as practicable</b>	Steady burning.	<a href="#">547.352</a> , <a href="#">547.304</a> State law requires boat trailers not subject to the federal standard to have front and rear clearance lamps if over 80" wide. Not required on boat trailers with a GVWR of less than 4,500 lbs. unless operated at night or in conditions specified by <a href="#">547.302(a)</a> .



**Note:** Clearance Lamps are often optically combined with side marker lamps. This is permitted as long as the lamp is visible from both directions.



**TRC Requirements for clearance lamps on buses, trucks, trailers, or semitrailers at least 80 inches wide (pre-1968 vehicles that do not fall under the federal standards) – [547.352](#)** – two amber clearance lamps on the front, one on each side, and two red clearance lamps on the rear, one on each side.

**TRC Requirements for clearance lamps on truck tractors (pre-1968 vehicles that do not fall under the federal standards) – [547.352](#)** – two amber clearance lamps, one on each side of the front of the cab.

What about a vehicle that was manufactured to be less than 80” but is made 80” or more by aftermarket equipment like wide tires or an aftermarket bed? See [Questions about ID and Clearance Lamps on Modified Vehicles](#).

**Defective/Non-Compliant Identification Lamps, FMVSS 571.108 (MC)**

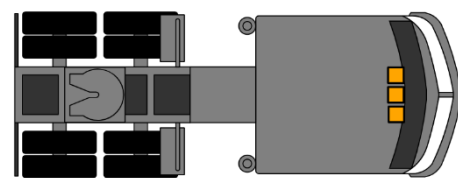
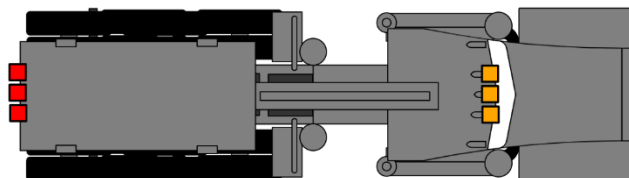
**No/Defective ID Lamp (MC)**

**Identification Lamps**

Although the Texas TRC states that vehicles 80” or more in width “may” be equipped with ID lamps ([547.352](#)), the Federal Lighting Standard **requires** ID lamps on most vehicles at least 80” in width manufactured after 1967.

**Federal Lighting Standard for Multipurpose Passenger Vehicles, Trucks, and Buses 80” or more in Overall Width, THP-68, Table 1-A**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Identification Lamps	3 Amber	On the <b>front</b> , at the same height, as close as practicable to the <b>vertical centerline</b> , with lamp centers spaced not less than 6 inches or more than 12 inches apart	As near the top of the vehicle or top of the cab as practicable	Steady burning.	State law does not require identification lamps on vehicles not subject to the federal standard. <a href="#">547.352(6)</a> permits a vehicle at least 80 inches wide to have not more than three identification lamps to the front and rear.
	3 Red (not req. on truck tractor)	On the <b>rear</b> , at the same height, as close as practicable to the <b>vertical centerline</b> , with lamp centers spaced not less than 6 inches or more than 12 inches apart	As near the top as practicable Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors.	Steady burning.	



**Federal Lighting Standard for Trailers 80" or more in Overall Width, THP-68, Table 1-B**

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
Identification Lamps	3 Red	On the <b>rear</b> , at the same height, as close as practicable to the <b>vertical centerline</b> , with lamp centers spaced not less than 6 inches or more than 12 inches apart	<b>As near the top as practicable.</b> Practicability of locating lamps on the vehicle header is presumed when the header extends at least 25 mm (1 inch) above the rear doors	Steady burning.	State law does not require identification lamps on vehicles not subject to the federal standard. <a href="#">547.352(6)</a> permits these vehicles to have not more than three identification lamps to the front and rear.

**What about a vehicle that was manufactured to be less than 80" but is made 80" or more by aftermarket equipment like wide tires or an aftermarket bed? See below:**

**Questions about ID and Clearance Lamps on Modified Vehicles**

**Question 1:** If the owner of a pickup or SUV installs wide tires that extend beyond the fenders and make the overall width measurement 80" or more, is the vehicle required to be equipped with ID and Clearance Lamps?

**Answer:** No



Vehicles manufactured after 1967 are regulated by [Federal Motor Vehicle Safety Standard 571.108](#) for vehicle lighting. Texas adopted the federal lighting standards for vehicles in TRC 547.3215, which states *"Unless specifically prohibited by this chapter, lighting, reflective devices, and associated equipment on a vehicle or motor vehicle must comply with: (1) the current federal standards in [49 C.F.R. Section 571.108](#); or (2) the federal standards in that section in effect, if any, at the time the vehicle or motor vehicle was manufactured."*

This means when officers are evaluating lighting, vehicles are required to comply with the federal vehicle lighting standards described in [49 C.F.R. 571.108](#). This standard describes required lights on various types

of vehicles, how they have to be mounted, what color they have to be, etc. These requirements apply to vehicles manufactured after the implementation of the federal standard (model year 1968).

Table 1-A of the federal lighting standard requires ID and Clearance Lamps on "All Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, 2032 MM (80") or More in Overall Width." This requirement has not changed since the inception of the federal lighting standard in 1968.

*Multipurpose Passenger Vehicle is defined as "a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation." (49 C.F.R. 571.3)*

*Truck is defined as "a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment." (49 C.F.R. 571.3)*

Per these definitions, a pickup truck or SUV that is 80" or more in overall width would be required to be manufactured with ID and Clearance Lamps. Failure to be equipped with these lamps would constitute a violation of 571.108 (adopted in Texas by TRC 547.3215).

The definition of "overall width" is important. This is where the pickup or SUV pictured in this document would fall outside the requirements for ID and Clearance Lamps. The federal lighting standard defines Overall Vehicle Width - *Overall vehicle width means the nominal design dimension of the widest part of the vehicle, exclusive of signal lamps, marker lamps, outside rearview mirrors, flexible fender extensions, and mud flaps, determined with doors and windows closed and the wheels in the straight-ahead position.*

The overall width that triggers additional lamps for vehicles 80" or more excludes items such as outside mirrors, flexible fender extensions, mud flaps, etc. and is based on the vehicle's design dimensions. If the pickup in question was not required to be equipped with clearance and ID lamps based on its original design dimensions, it would not be required to add these lamps based on an aftermarket addition that incidentally extends beyond the fenders. NHTSA issues interpretations of terms and definitions in the federal standards. While they have not issued an interpretation of overall width as it applies to aftermarket wheels/tires, they had addressed other aftermarket items such as running boards. In opinion 1539, they stated "*we excluded door handles from "overall width" because they are substantially similar in character to outside rearview mirrors and the other equipment items listed. We agree that running boards are also similar to these items, and, therefore, they need not be included in the nominal design dimension of the widest part of the vehicle when a manufacturer calculates a vehicle's "overall width" for purposes of compliance with the lighting requirements of Standard No. 108, as long as they do not extend beyond the width of the other items excluded from the definition of "overall width."*

In essence, accessory/aftermarket equipment added to a vehicle that incidentally increases the vehicle's width should not count towards the vehicle's overall width for lighting requirements as long as it does not extend beyond the parameters of other excepted equipment like side mirrors. Although the outside tire base of the pickup in question measure more than 80" in width, this should not be counted towards the overall vehicle width for lighting requirements because they are not part of the vehicle's nominal design dimensions as it was manufactured, and they do not extend beyond the other excepted equipment.

Based on the way Texas adopted the federal lighting standard, if a vehicle is considered compliant with the 571.108 vehicle safety standards for lights, it is considered to be legally equipped in Texas.

Vehicles manufactured prior to 1968 are regulated only by the Texas TRC. ID Lamps are not required by the Texas Transportation Code (they are permitted but not required). Clearance lamps are required on “a bus, truck, trailer, or semitrailer that is at least 80” wide.” (571.352) The SUV is not a type of vehicle regulated by this section, so it does not fall under the TRC’s requirements for clearance lamps. It is possible to regulate a pickup with this section as a pickup is defined as a type of truck (541.201), however the method of measuring overall width and excluded items is not specified for this section. It is recommended that officers utilize the same definition of “overall width” found in the federal standards, therefore clearance lamps would not be required on a pre-1968 pickup if it is original design dimensions were not 80” or more.

Trucks with nominal design dimension of 80” or more are required to be equipped with ID and Clearance lamps per the federal lighting standards. Examples of these vehicles would be dually pickups and larger commercial-type trucks.

**Question 2:** Do wide tires extending beyond the fender count towards overall vehicle width for the purposes of complying with maximum width requirements in 621.201?

While the addition of wide tires does not change a vehicle’s nominal design dimensions for the purposes of required vehicle lighting, such tires would still be included towards the maximum total width limitations for vehicles described in TRC 621.201 (96” for passenger vehicles, 102” for all other vehicles).

Per this section, the only equipment excluded from the total width limitations are safety devices determined to be necessary for the safe and efficient operation of motor vehicles (i.e. side view mirrors, marker lamps, etc.). A tire is not considered a safety device.

**Question 3:** Does an aftermarket truck bed of 80” or more require the addition of ID and Clearance Lamps to a vehicle that was not already equipped with these lamps?

The manufacturer and installer of a truck bed are responsible for ensuring continued compliance with applicable federal safety standards (NHTSA interpretation 17332). An aftermarket truck bed with a design width of 80” or more should be equipped with rear ID and Clearance Lamps. Failure to do so places the vehicle in violation of the federal 108 lighting standard.

The addition of an aftermarket bed arguably does not change the overall original design dimensions for the vehicle, so while ID and Clearance Lamps should be installed on the rear of a replacement bed 80” or more in width, if the vehicle was originally not required to be equipped with front ID and Clearance Lamps, officers should consider their absence to be less than a clear cut and substantial violation.

Before taking enforcement action, officers should be aware of the correct method of determining the width of the vehicle bed. Per NHTSA’s interpretations of excluded items described in 49 CFR 571.108 and other regulations governing width measurement in 23 CFR 658.16, stake pockets and rubrails/tiedowns should not be included in the overall width determination.

**Wrong Color Front Clearance, ID, Side Marker Lamp, Or Reflector (Amber)**

**Wrong Color Rear Clearance, ID, Side Marker Lamp, Or Reflector (Red)**

**547.353 - Color Requirement**

A clearance lamp, identification lamp, side marker lamp, or reflector mounted on the front, on the side near the front, or in the center of the vehicle must be or reflect amber. A clearance lamp, identification lamp, side marker lamp, or reflector mounted on the rear or the side near the rear of the vehicle must be or reflect red. **These color requirements are described in the TRC and the federal 108 lighting standard.**

**What about a vehicle less than 80" in width with the wrong color ID or clearance lamps?**

This vehicle is less than 80" in width, therefore it is not required to have ID lamps on the rear. Although ID lamps are not required, if they are present, they have a required color (red to the rear). This vehicle is in violation for displaying the wrong color ID lamp. If the lamps were red and one was defective, there would be no violation because ID lamps are not required on this vehicle.



This concept is clarified in [Texas DPS Administrative Code, Title 37, Part 1, Rule 21.2:](#)

*Lamps, Reflective Devices, and Associated Equipment - FMVSS 108. The standard detailed in this paragraph applies to lamps, reflective devices, and associated equipment installed on a vehicle as original, replacement, or aftermarket equipment. No additional lamp, reflective device, equipment, or other material is permitted to be installed on a vehicle that impairs the effectiveness of, or interferes with, lighting or reflective devices required by this standard. **A lamp or reflective device installed in a location and manner described by FMVSS 108 must meet the prescribed color requirements regardless of whether or not the lamp or device is required equipment.***

**No/Defective Lamps Or Reflectors On Farm Tractor / Self Propelled Farm Equipment (MC)**

**No/Defective Hazard Warning Light On Farm Tractor / Self Propelled Farm Equipment (MC)**

**547.371 - General Lighting Equipment Requirement**

A **farm tractor, self-propelled unit of farm equipment, or implement of husbandry** (operated on the highway) must have:

- (1) at least two headlamps
- (2) at least one red lamp visible at a distance of at least 1,000 feet from the rear, mounted as far to the left of the center of the vehicle as practicable
- (3) at least two red reflectors visible at all distances from 100 to 600 feet
- (4) hazard lamps that are lighted and visible in normal sunlight at least 1,000 feet to the rear



**Exception** – A farm tractor, self-propelled unit of farm equipment, or implement of husbandry manufactured or assembled on or before January 1, 1972, is only required to be equipped with #1-3 above when operated during [547.302\(a\)](#) times (nighttime or visibility less than 1000 feet). #4 (hazard lamps) are not required for these older vehicles.

#### [547.372 - Lighting Requirements for Combination Vehicles](#)

If farm equipment or an implement of husbandry is towed by a farm tractor and the towed object or its load **extends more than four feet to the rear of the tractor or obscures a light on the tractor**, the towed object shall be equipped at the times specified by Section 547.302(a) with at least **two rear red reflectors** that are visible at all distances from 100 to 600 feet and mounted to indicate the extreme width of the vehicle or combination of vehicles. Reflective tape or paint may be substituted in the correct color.

Red reflectors required on towed implement if implement extends at least 4' to the rear of the tractor.



If a unit of farm equipment or an implement of husbandry is towed by a farm tractor and **extends more than four feet to the left of the centerline of the tractor**, the towed object shall be equipped at the times specified by Section 547.302(a) with a **front amber reflector**.

If the towed unit extends more than 4' to the left of the center line, an amber reflector is required on the front of the implement.



**No Reflector/Lamps On Projected Load-Night (MC)**

**No Flags Projected Load-Day (MC)**

**547.382 - Lighting Equipment on Projected Loads**

**(a)** If a load extends to the rear at least four feet beyond the bed or body of the vehicle during [547.302\(a\)](#) times (night/reduced visibility): two red lamps visible from the rear, two red reflectors that indicate the maximum load width visible from the rear, and two red lamps, one on each side, that indicate the maximum overhang visible from the side.

**(b)** At all other times, a load that extends beyond the vehicle's sides or more than four feet beyond the vehicle's rear shall display red flags that are at least 12 inches square, mark the extremities of the load, and are placed where a lamp is required by this section.

**Reference** [621.206](#) – **Maximum Extended Length of a Load** – generally speaking, a vehicle's load may not extend beyond 4' to the rear of the vehicle. Having the load marked in accordance with [547.382](#) does not make a load extension beyond 4' legal. There are numerous exceptions to the maximum load length – in these situations, the load must be lighted or marked in accordance with [547.382](#).



**No Parking Lamps (MC)**

**Defective Parking Lamps (MC)**

**Park Without Lights-When Required (MC)**

**Park With Head Lamps Not Dimmed (MC)**

**547.383 - Lighting Requirements on Parked Vehicles**

Parking lamps must emit a white or amber light visible to 1,000 feet to the front of the vehicle and a red light visible to 1,000 feet to the rear of the vehicle. The taillamps serve as the parking lamps to the rear.

The federal 108 lighting standard has specifications for parking lamps – THP-68, Table 1-A (p. 3).

Lighting device	Number and color	Mounting location	Mounting height	Device activation	State Law Differences (standard for pre-1968 vehicles)
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**Required - Additional Lamps Required on All Passenger Cars, and on Multipurpose Passenger Vehicles (MPV), Trucks, and Buses, Less Than 80 inches in Overall Width**

Parking Lamps	2 amber or white	On the front, at the same height, symmetrically about the vertical centerline, as far apart as practicable	Not less than 15 inches nor more than 72 inches	Steady burning. Must be activated when the headlamps are activated in a steady burning state.	<a href="#">547.383</a> A parked vehicle must emit a <b>white or amber</b> light 1,000 feet to the front and a <b>red</b> light 1,000 feet to the rear.
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Parking lamps are required to be used when a vehicle is parked or stopped on a roadway or shoulder at a time specified in section [547.302\(a\)](#) (nighttime or when visibility is reduced below 1,000 feet) unless there is sufficient light to reveal a person or vehicle on the highway at a distance of 1,000 feet.

Headlamps on a parked vehicle are required to be dimmed.

## VEHICLE EQUIPMENT – BRAKES

### No/Defective Brakes On Vehicle (MC)

### Brakes Not On All Wheels When Required (MC)

### Defective Brakes-Motorcycle (MC)

#### [547.401 - Brakes Required](#)

A motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles must be equipped with brakes that comply with the performance requirements for brakes. The performance standards can be found in [547.408](#).

There are exceptions for certain trailers, semitrailers, or pole trailers:

- (1) No brakes required if the trailer's gross weight is 4,500 or less.
- (2) No brakes required if the trailer's gross weight is between 4,500 and 15,000 pounds if not drawn at a speed of more than 30 MPH.
- (3) If a trailer's gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds and the trailer is drawn at a speed of more than 30 miles per hour, brakes are only required on both wheels of the rear axle.

#### Trailer/Semitrailer Brake Requirement Examples:



**Gross Vehicle Weight (actual weight) 4,500 pounds or less – no brakes required.**



**Gross Vehicle Weight between 4,501 and 15,000:**

No brakes required if speed is 30 MPH or less

Brakes required on rear axle only if speed is more than 30 MPH



**Gross Vehicle Weight over 15,000 pounds:**

Brakes required on all axles

## **Brakes Not Maintained In Good Working Order (MC)**

### **547.402 - Operation and Maintenance of Brakes**

Brakes are required to operate on each wheel of a vehicle except for the following vehicles:

- (1) special mobile equipment (defined in [541.201\(18\)](#))
- (2) a vehicle that is towed as a commodity when at least one set of the towed vehicle's wheels is on the roadway, if the combination of vehicles complies with the performance requirements (this is a saddle-mount type towing setup); and
- (3) a trailer, semitrailer, or pole trailer with a gross weight heavier than 4,500 pounds but not heavier than 15,000 pounds drawn at a speed of more than 30 miles per hour is only required to have brakes on both wheels of the rear axle.

A truck or truck-tractor that has at least three axles is not required to have brakes on the front wheels. If the truck or truck-tractor has at least two steerable axles, brakes must operate on the wheels of at least one steerable axle.

Brakes shall be maintained in good working order and adjusted to operate on wheels on each side of the vehicle as equally as practicable. Brake performance standards can be found in [547.408](#).

## **No/Defective/Improper Parking / Emergency Brakes (MC)**

### **547.404 - Parking Brakes Required**

The parking brake should operate independently of the service brakes and should be capable of operating in case of service brake failure. It should also be capable of holding the vehicle in a parked position regardless of roadway slope. This section does not apply to a motorcycle or moped.

## **No Two Means Of Emergency Brake Operation (MC)**

### **No/Defective Automatic Brake Application On Breakaway Trailers (MC)**

### **547.405 - Emergency Brakes Required**

A vehicle towing another vehicle with air-controlled brakes is required to be equipped with some means of applying the trailer brakes in an emergency via an automatic device that applies the brakes to a fixed pressure if the towing vehicle's air supply is reduced. They must also have a manual device to apply and release the brakes that is readily operable by a person seated in the operator's seat and arranged so that its emergency position or method of operation is clearly indicated and its use does not prevent operation of the automatic brakes.

A trailer, semitrailer, or pole trailer that is equipped with air or vacuum brakes or that has a gross weight heavier than 4,500 pounds must be equipped with brakes that operate on all wheels required to have brakes under Section [547.402](#) and are promptly applied automatically and remain applied for at least 15 minutes in case of a breakaway from the towing vehicle.

## VEHICLE EQUIPMENT – WARNING DEVICES

### Defective Horn (MC)

### Equipped With Or Use Of Unauthorized Siren, Whistle, Bell (MC)

### Unnecessary Use Of Horn (MC)

#### [Sec. 547.501 - Audible Warning Devices](#)

A motor vehicle is required to be equipped with a horn in good working condition that emits a sound audible under normal conditions at a distance of at least **200 feet. (Defective Horn)**

A vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell unless the vehicle is a commercial vehicle that is equipped with a theft alarm signal or an authorized emergency vehicle that is equipped with a siren, whistle, or bell that complies with Section [547.702](#). **(Equipped with or Use of Unauthorized Siren, Whistle, or Bell)**

**Note:** “siren” “whistle” and “bell” are not defined in the Texas Transportation Code or the administrative code. We are left to rely on “common” definitions for these items, which can make enforcement somewhat difficult. Enforcement action would be appropriate for equipment that mimics the siren of an emergency vehicle or the whistle of a train.

A horn should only be used to provide warning when necessary to ensure safe operation and may not emit an unreasonably loud or harsh sound or a whistle. **(Unnecessary Use of Horn)**

**Case Law** – [Sandlin v. State, 02-18-00340-CR](#) – Texas Appeals Court held that two short horn honks without any apparent necessity to ensure safe operation constituted reasonable suspicion to stop the vehicle. The officer did not need to articulate that the horn was unreasonably loud or harsh, just that it’s use was not necessary to ensure safe operation.

### No Warning Devices When Required (MC)

#### [Sec. 547.502 - Visible Warning Devices Required](#)

A truck, bus, or truck-tractor or a motor vehicle towing a house trailer, when outside an urban district or on a divided highway, shall carry in the vehicle:

**During daytime** - at least two red flags at least 12 inches square and standards to support the flags.



**During nighttime** - at least three flares and at least three red-burning fuses, red electric lanterns, or portable red emergency reflectors.



**Fail To Display Hazard Lamps, Vehicle Described By 547.503(B) (MC)**

**547.503 - Display of Hazard Lamps**

This section applies only to trucks, buses, truck-tractors, trailers, semitrailers, or pole trailers that are **at least 80" wide or 30 feet long**.

The operator of one of these vehicles that is stopped on a roadway or shoulder shall immediately display vehicular hazard warning lamps, unless the vehicle is:

- (1) parked lawfully in an urban district;
- (2) stopped lawfully to receive or discharge a passenger;
- (3) stopped to avoid conflict with other traffic;
- (4) stopped to comply with a direction of a police officer or an official traffic-control device; or
- (5) displays other warning devices as required by Sections [547.504-547.507](#) (red triangles, flares, flags, etc.).

**Warning Devices Not Displayed (MC)**

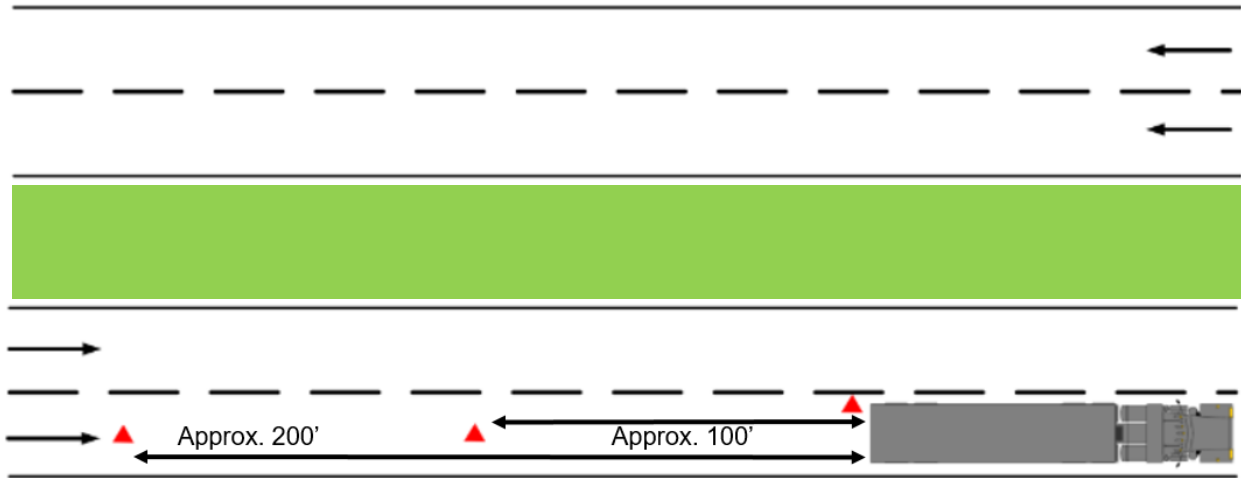
This offense applies only to trucks, buses, truck-tractors, trailers, semitrailers, or pole trailers that are **at least 80" wide or 30 feet long**. The required placement of warning devices depends on the location, roadway type, and visibility (daytime/nighttime).

**547.504 - Display of Devices When Lighted Lamps Required**

**This section applies only to vehicles that are at least 80" wide or 30 feet long stopped or disabled on a roadway outside an urban district at night or when visibility is reduced below 1000 feet**. Such vehicles shall display warning devices (red triangles, lanterns, or fuses) when the vehicle is disabled or stopped for more than 10 minutes. The devices must be displayed in specific locations: one at the left rear of the vehicle, one in the center of the lane 100' behind the vehicle, and one in the center of the lane 100' ahead of the vehicle.



If the vehicle is disabled or stopped for more than 10 minutes on a roadway of a divided highway at night or in times of reduced visibility, the warning devices should be placed in a different manner: one at the left rear of the vehicle, one in the center of the lane 100' behind the vehicle, and one in the center of the lane 200' behind the vehicle.



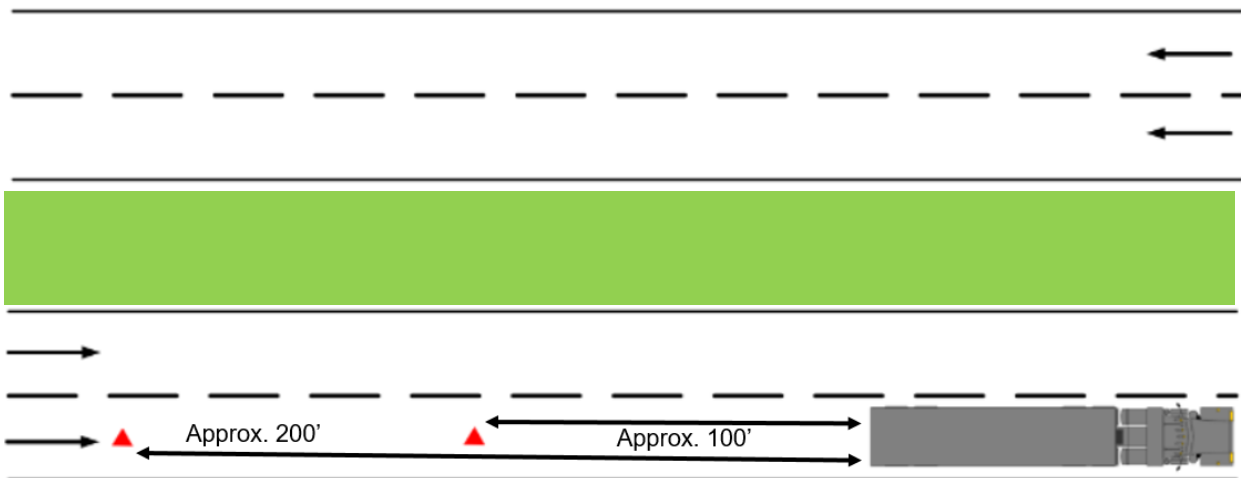
#### 547.505 - Display of Devices When Lighted Lamps Are Not Required

This section applies only to vehicles that are at least 80" wide or 30' long. When such vehicles are disabled or stopped for **more than 10 minutes on a roadway outside an urban district during the daytime**, the operator shall display two red flags in a specified manner.

#### **Two way roadways:**



#### **One-way roadways:**



### 547.506 - Display of Devices: Vehicles off Roadway

The operator of a vehicle at least 80" or longer than 30' that is stopped entirely on the shoulder shall place required warning devices on the shoulder as close as practicable to the edge of the roadway. For daytime operation, only two warning devices are required.



### **Tampering With 503B Vehicle Warning Device (MC)**

### 547.508 - Offense Relating to Warning Devices

An unauthorized person may not remove, damage, destroy, misplace, or extinguish a warning device required to be placed by Chapter 547 (red portable triangles, flags, lanterns, or fuses) when the device is being displayed or used as required.

## **VEHICLE EQUIPMENT – MISCELLANEOUS REQUIRED OR PROHIBITED EQUIPMENT**

### **No Front Seatbelts (When Required) (MC)**

### 547.601 - Safety Belts Required

A motor vehicle required by Chapter 548 to be inspected is required to be equipped with front safety belts if safety belt anchorages were part of the manufacturer's original equipment on the vehicle.

**Reference** [545.413\(c\)](#) – seatbelts are required to be worn if sitting in a seat that was originally equipped with safety belts.



### **Any Mirror Violation (MC)**

#### **547.602 - Mirrors Required**

A motor vehicle is required to be equipped with a mirror located to reflect to the operator a view of the highway for a distance of at least 200 feet from the rear of the vehicle.

**Discussion:** Only one mirror is required, so a vehicle could legally have no side mirrors as long as the rear view mirror provides a view of the highway behind for 200'. A rear view mirror is not required if one or both of the side view mirrors provide a view of the highway behind for 200'.

### **No Windshield Wiper (MC)**

#### **Defective Windshield Wiper (MC)**

#### **547.603 - Windshield Wipers Required**

A motor vehicle is required to be equipped with a device that cleans moisture from the windshield. The device shall be maintained in good working condition.

**Discussion:** A windshield is not required by the TRC, but windshield wipers are. A common sense approach to enforcement action is necessary - Officers should not take enforcement action if they encounter a vehicle with no windshield that is not equipped with windshield wipers.

### **Any Muffler Violation (MC)**

#### **547.604 - Muffler Required**

A motor vehicle is required to be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual noise. A person may not use a muffler cutout, bypass, or similar device on a motor vehicle.

**Reference** [541.203\(3\)](#) - "Muffler" means a device that reduces noise using: (A) a mechanical design, including a series of chambers or baffle plates, to receive exhaust gas from an internal combustion engine; or (B) turbine wheels to receive exhaust gas from a diesel engine.

### **No Crankcase Emission System (MC)**

#### **Defective Exhaust Emission System-Equipped But Not In Good Working Order (MC)**

#### **No Exhaust Emission System-Originally Equipped But Removed (MC)**

#### **Emission System-Smoking Vehicle, 10 Seconds Or More (MC)**

#### **547.605 - Emission System Required**

The engine and power mechanism of a motor vehicle is required to be equipped and adjusted to prevent the escape of excessive smoke or fumes. The owner or operator of a motor vehicle **of a model year after**

**1967** that is equipped with an exhaust emission system shall maintain the system in good working condition, shall use the system when the motor vehicle or motor vehicle engine is operated, and may not remove the system or a part of the system or intentionally make the system inoperable in this state.

Roadside enforcement of this section is typically taken under **(d)**. Except when travel conditions require the downshifting or use of lower gears to maintain reasonable momentum, a person commits an offense if the vehicle 1) emits visible smoke for 10 seconds or longer, **or** 2) emits visible smoke that remains suspended in the air for 10 seconds or longer before fully dissipating.

## No/Improper Mud Flap (MC)

### 547.606 - Safety Guards or Flaps Required

There are four exceptions to the safety guard/mud flap requirement. Two are found in [547.606](#) and two are described in the below referenced administrative code. **The vehicles that are not required to have safety guards/flaps:**

- (1) Truck-Tractors operated alone
- (2) Pole Trailers
- (3) Recreational Vehicles (admin code)
- (4) Buses (admin code)

This section applies to road tractors, trucks, trailers, truck-tractors in combination with a semitrailer, or semitrailers in combination with a towing vehicle that have at least four tires or at least two super single tires on the rearmost axle of the vehicle or the rearmost vehicle in the combination. There are no exceptions or defenses for vehicles that are not registered in Texas.

**Note:** “super single” is defined in this section – *a wide-base, single tire that may be used in place of two standard tires on the same axle*. It is not just a wide tire – it is a wide tire that replaces two standard tires.

The vehicles described by this section shall be equipped with safety guards or flaps that are of a type prescribed by the department and are located and suspended behind the rearmost wheels of the vehicle or the rearmost vehicle in the combination within eight inches of the surface of the highway.

The language “of a type prescribed by the department” means there is administrative code with more detail on safety guards/mud flaps.

**Reference Administrative Code - [Title 37, Chapter 21, Rule 21.4](#)**

The administrative code grants an additional 4” tolerance for the height requirement, **effectively meaning safety guards/flaps are only required to come within 12” of the roadway surface when the vehicle is standing still.**

**Administrative Code Standards for Safety Guards/Mud Flaps:**

- (1) Suspended behind the rearmost wheels within **eight inches** of the surface of the roadway with an **allowed tolerance of four inches**.
- (2) Must be **at least as wide as the tires they are protecting**.
- (3) Must be made of metal, rubber, rubberized material, or other substantial material, capable of **remaining in place** by their own weight or structure while the said vehicle is being operated.

- (4) Must be constructed so that they will remain in proper place behind rear wheels and will be **rigid enough** to prevent slush, mud, gravel, and other roadway material or debris being transmitted from the vehicle's rear wheels to the windshield of the following vehicle.
- (5) Must be securely mounted, as wide as the tire that it is protecting, **not split or torn** to the extent that it is ineffective and the bottom edge of the safety guard or flap shall be no more than 12 inches from the surface of the roadway while the vehicle is standing still, or otherwise not in motion.
- (6) A flexible safety guard or flap **may swing upwards and backwards while the vehicle is moving**, so long as the safety guard or flap continues to block the trajectory of slush, mud, gravel, and other roadway material or debris which would otherwise be transmitted to the windshield of a following vehicle while both vehicles are in motion.

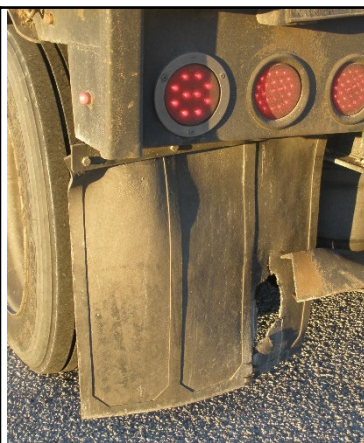
**Discussion: Sailing Mud flaps?** When a vehicle equipped with mud flaps is in motion, does a violation exist if the mud flaps sail up higher than 12" from the roadway surface due to wind resistance? Not necessarily. The standards for mud flaps found in administrative code required that they come within 12" of the roadway surface when the vehicle is standing still. When the vehicle is in motion, mud flaps may swing upwards as long as they continue to block the trajectory of anything the tires may be throwing up into the air. Before taking enforcement action for a sailing mud flap, be prepared to articulate how the mud flap was no longer blocking debris from flying up.



**Enforcement Examples:**



**Violation – not as wide as the tires**



**Violation – torn**



**Violation - split**

### No/Improper Fire Extinguisher - Bus (MC)

### No/Improper Fire Extinguisher - School Bus (MC)

### No/Improper Fire Extinguisher - Taxicab (MC)

### No/Improper Fire Extinguisher - Transporting Passengers for Hire (MC)

#### 547.607 - Fire Extinguisher Required

A school bus or a motor vehicle that transports passengers for hire or lease (buses, taxis, limos, etc.) must be equipped with a fire extinguisher in good condition and located for immediate use.

**Discussion: What about Uber/Lyft Drivers?** This section does not provide an exception for these types of vehicles. If they are transporting passengers for hire, a fire extinguisher is required.

### Use Sunscreening Device Without Approved Label (MC)

#### 547.609 - Required Label for Sunscreening Devices

A sunscreening device must have a label that is legible and contains information required by the department on light transmission and luminous reflectance of the device.

If the device is placed on or attached to a windshield or a side or rear window, the label must state that the light transmission of the device is consistent with Section 547.613(b)(1) or (2), as applicable. The label must be permanently installed between the material and the surface to which the material is applied.



**Reference** [547.001\(9\)](#) - "Sunscreening device" means a film, material, or device that meets the department's standards for reducing effects of the sun.

**Note:** A person in the business of installing window tint is required to place this label and commits an offense if they fail to do so (see [Installer Failed to Affix Label As Required](#)). The label must be installed at least on the driver's window (not required on each individual window). Reference [DPS Administrative Code Title 37, Part 1, Rule 21.3\(f\)](#)

### Television Receiver/Video Equipment Improperly Located-Visible To Driver (MC)

#### 547.611 - Use of Certain Video Equipment and Television Receivers

A motor vehicle may be equipped with video receiving equipment, including a television, a digital video disc player, a videocassette player, or similar equipment, only if the equipment is located so that the video display is not visible from the operator's seat unless the vehicle's transmission is in park or the vehicle's parking brake is applied.

#### **Exceptions – equipment used:**

- (1) exclusively for receiving digital information for commercial purposes;
- (2) exclusively for a safety or law enforcement purpose, if each installation is approved by the department;
- (3) in a remote television transmission truck; or
- (4) exclusively for monitoring the performance of equipment installed on a vehicle used for safety purposes in connection with the operations of a natural gas, water, or electric utility; or

**Exceptions – monitoring device that:**

- (1) produces an electronic display; and
- (2) is used exclusively in conjunction with a mobile navigation system installed in the vehicle.

**Discussion:** This section was written before the advent of smart phones. A common question is, “Does a driver violate this section if a video plays on a cell phone that is visible to them?” This section specifically applies to a vehicle “equipped with” video receiving equipment. An operator driving while a video is playing on their handheld cell phone would not be in violation because the vehicle is not equipped with the cell phone. If the phone is mounted in the vehicle, however, an officer could articulate an offense, as the vehicle can be considered “equipped with” the mounted phone. Cell phone use while driving is more specifically address in [545.4251](#) – a section that prohibits sending or receiving an electronic message but does not address video viewing (see [Use Of Portable Wireless Communication Device For Electronic Messaging](#))

**Installer Failed To Affix Label As Required (MC)**

**[547.613 - Restriction on Windows](#)**

A person who is in the business of installing window tint commits an offense if they do not install the label required by [547.609](#) (stating the tint complies with state standards). Note that the operator/owner does not commit this offense – it is specific to a person “in the business of installing” transparent material. The label must be installed at least on the driver’s window (not required on each individual window). Reference [DPS Administrative Code Title 37, Part 1, Rule 21.3\(f\)](#)



**Object or Material Attached to Windshield/Side/Rear Window Obstructs or Reduces Clear View (MC)**

**[547.613 - Restriction on Windows](#)**

This is a complicated section that governs both window tint and any other obstruction to the windows or windshield.

**Object/Material Obstructs or Reduces Clear View (NOT WINDOW TINT)**

**(a)(1)** deals with the offense of placing an object or material on or attached to the windshield or windows that obstructs the operator’s clear view. In order to take enforcement action, the officer must articulate that the object obstructed or reduces the operator’s clear view.

The mere presence of an object attached to a windshield or window does not constitute a violation. A violation only exists if the officer establishes that the operator’s clear view was obstructed/reduced. In other words, the object or material creates a safety issue because the operator cannot see what they need to see to operate their vehicle safely.



## Enforcement Examples:



This cardboard clearly obstructs the driver's view out this window and a violation exists.



This windshield decal is placed against the A-pillar in a location where the driver's clear view is not impacted. There is no violation if the driver's clear view is not reduced or obstructed.

There are numerous exceptions to the enforcement of this section built into the law (547.613(b)). **The following items or situations are not considered a violation of the obstructed view law:**

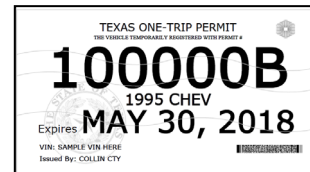
- (1) The side windows of a vehicle to the rear of the operator can be obstructed without violation.
- (2) The rear window of a vehicle can be obstructed without violation as long as the vehicle is equipped with outside mirrors.
- (3) Rearview mirrors are not considered to obstruct or reduce the operator's clear view.
- (4) Adjustable non-transparent sun visors mounted in front of the side windows are not considered to obstruct or reduce the operator's clear view.
- (5) A direction, destination, or termination sign on a passenger common carrier motor vehicle should not be considered to obstruct the operator's clear view as long as it does not interfere with the operator's view of approaching traffic.
- (6) A rear window wiper motor should not be considered to obstruct or reduce the operator's clear view.

- (7) A rear trunk lid handle or hinge should not be considered to obstruct or reduce the operator’s clear view.
- (8) A luggage rack attached to the rear trunk should not be considered to obstruct or reduce the operator’s clear view.
- (9) A US or local certificate attached to the window as required by law should not be considered to obstruct or reduce the operator’s clear view (i.e. a registration insignia).
- (10) A vehicle not registered in Texas is not subject to this section – this means their windows/windshield can be tinted or obstructed without violation. **Note:** If an out of state vehicle has an obstruction that is so significant that it creates a safety concern and the vehicle cannot be safely operated, consider [Drive/Permit To Drive Vehicle In Unsafe Condition](#).

**What about Texas Temporary Permits?**

Temporary Permits (72-hour, 144-hour, 30-Day, and One-Trip) are a type of Texas registration described in TRC Chapter 502, Subchapter C (Special Registrations). Vehicles displaying these tags are considered to be registered in Texas and would be subject to this section (although a vehicle displaying a 72- or 144-hour permit operating under CMV fed regs would be excepted by #9 below).

Texas DMV [specifically describes](#) these permits a type of vehicle registration.



**What about Texas Temp Tags?**

Vehicle dealers in Texas are authorized to issue temporary tags for vehicles in specific situations (Dealer Temp Tags, Buyer’s Temp Tags). These tags are not specifically described as registration in the Texas Transportation Code, however Texas DMV [describes them as a type of Texas registration](#). Because these vehicles are considered to be registered in Texas under the temp tag, they are subject to this section.



- (11) A vehicle that is used regularly to transport passengers for a fee and authorized to operate under license or permit by a local authority (buses, taxis, limos, etc.) are not subject to this section and can have tinted or obstructed windows.
- (12) Law enforcement vehicles are exempt from this section.
- (13) Commercial motor vehicles as defined by [644.001](#) are exempt from this section (these vehicles are subject to the federal regulations and window tint is governed for them by the fed regs).



## Enforcement Guidance

In order to encourage uniformity in the way DPS personnel enforce this section, the 2019-2021 THP In-service Course Traffic Enforcement Guidance provided additional information regarding this violation. Per this training, DPS personnel **should not** use small objects hanging from a rear view mirror as probable cause for a traffic stop under this section. This includes disabled parking placards, beads, and flower leis.



## Transparent Material on Windshield/Side/Rear Window Alters Color/Reduces light Transmission – Tint (MC)

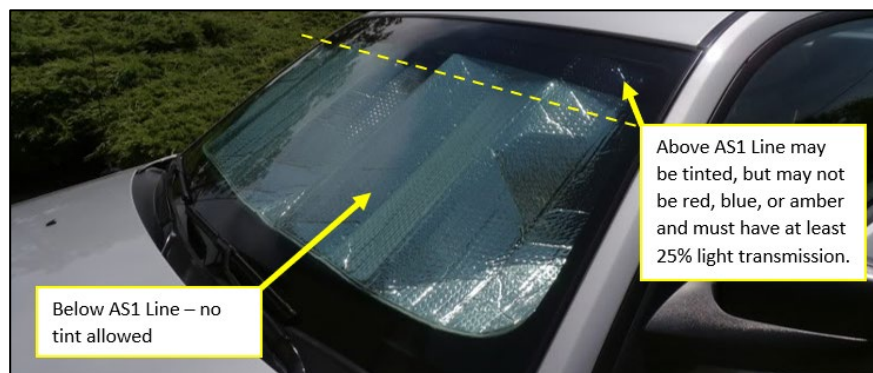
### 547.613 - Restriction on Windows

This is a complicated section that governs both window tint and any other obstruction to the windows or windshield.

**(a)(2)** deals specifically with window tint or other transparent material that alters the color or reduces the light transmission. This subsection essentially says it is illegal to place such material on a vehicle's windshield or windows. (b) provides for the only exceptions to this. Case law supports enforcement against the driver of the vehicle even if they did not perform the window tint installation themselves.

There are numerous exceptions to this section. **The following items or situations are not considered a violation of the window tint law:**

- (1)** A windshield may be equipped with a sunscreening device/window tint that is above the AS1 line or 5" from the top of the windshield (whichever is closer to the top). This tint must have a light transmission of 25% or more and may not be red, amber, or blue. **Note: this means tint should never be below the AS1 line.** Anything else attached to the windshield (not tint) is not illegal unless it obstructs or reduces the operator's clear view.



- (2) The side windows or wing vent windows of a vehicle to the left or right of the operator may be tinted as long as the tint has a light transmission and luminous reflectance of 25% or more.



- (3) The side windows of a vehicle to the rear of the operator can be tinted or obstructed without violation regardless of light transmission.

- (4) The rear window of a vehicle can be tinted or obstructed without violation regardless of light transmission as long as the vehicle is equipped with outside mirrors.

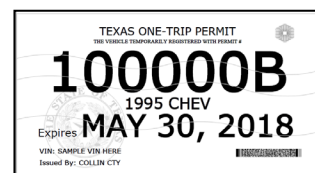
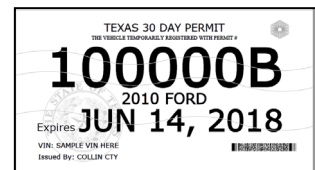


- (5) A vehicle not registered in Texas is not subject to this section – this means their windows/windshield can be tinted or obstructed without violation.

#### What about Texas Temporary Permits?

Temporary Permits (72-hour, 144-hour, 30-Day, and One-Trip) are a type of Texas registration described in TRC Chapter 502, Subchapter C (Special Registrations). Vehicles displaying these tags are considered to be registered in Texas and would be subject to window tint laws (although a vehicle displaying a 72- or 144-hour permit operating under CMV fed regs would be excepted by #9 below).

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### What about Texas Temp Tags?

Vehicle dealers in Texas are authorized to issue temporary tags for vehicles in specific situations (Dealer Temp Tags, Buyer's Temp Tags). These tags are not specifically described as registration in the Texas Transportation Code, however Texas DMV [describes them as a type of Texas registration](#). Because these vehicles are considered to be registered in Texas under the temp tag, they are subject to window tint laws.



- (6) A window that has received factory coating or tinting in compliance with manufacturer's requirements is not considered to be in violation of this section. **Note:** If an owner has additional window tint placed over the factory tint they could be found to be in violation of this section.
- (7) A vehicle that is used regularly to transport passengers for a fee and authorized to operate under license or permit by a local authority (buses, taxis, limos, etc.) are not subject to this section and can have tinted or obstructed windows. **Note:** What about Uber/Lyft? It appears they would be exempted from window tint law only if they are operating in an area where they are licensed/permitted by a local authority. If they are not being regulated by a local authority, they would not be covered by this exception.
- (8) Law enforcement vehicles are exempt from this section.
- (9) Commercial motor vehicles as defined by [644.001](#) are exempt from this section (these vehicles are subject to the federal regulations and window tint is governed for them by the fed regs).

**Tolerance** – This section allows for a variance of 3% on the required light transmission of a given window.  
**THP Policy:** Allow 5% before writing a citation (clear cut and substantial violation).

**Defense to Prosecution** - It is a defense to prosecution that the defendant or a passenger in the vehicle at the time of the violation is required for a medical reason to be shielded from direct rays of the sun. See Administrative Code referenced below for additional information.

**Note:** At one time, DPS had a certification process for a medical exception to the window tint law. This process is no longer in place. Officers roadside with a person claiming a medical defense to prosecution for window tint should request to see a letter from a medical professional. As with all defenses to prosecution, officers may still issue a citation, however if the defense appears to be legitimate a citation is generally not issued. See reference below for more information about the medical exception in DPS administrative code. **Note the medical exception still does not allow the windshield to be tinted:**

**Administrative Code** [Title 37, Part 1, Rule 21.3, subsection 21.3:](#)

#### ***(e)Medical exceptions***

***(1) Notwithstanding the foregoing provisions of this section, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders the person susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on all the windows except the windshield, with sunscreening devices that reduces the light transmission values of less than 25%. An untinted film or glaze may be applied to the area below the AS-1 line of the windshield of a motor vehicle provided the total visible light transmission is not reduced by***

5%. Vehicles equipped with suncreening devices under this medical exception shall not be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist.

(2) The signed statement from a licensed physician or licensed optometrist shall:

(A) identify with reasonable specificity the driver or occupant of the vehicle; and

(B) state that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with sunscreening devices is necessary to safeguard the health of the driver or occupant of the vehicle.

### **Use Radar Interference Device (MC)**

#### **547.616 - Radar Interference Devices; Offense**

A person may not use, attempt to use, install, operate, or attempt to operate a radar interference device in a motor vehicle operated by the person. This is a device that actively jams or disables radar. Passive devices like radar detectors do not meet the definition of radar interference devices and do not constitute a violation of this section.

## **VEHICLE EQUIPMENT – SCHOOL BUSES, AUTHORIZED EMERGENCY VEHICLES, AND SLOW MOVING VEHICLES**

### **Additional Equipment Requirements For Other Buses (MC)**

#### **School Contracted Bus Not Equipped With Seat Belts As Required (MC)**

#### **Use School Bus Sign/Signal For Wrong Purpose (MC)**

#### **School Bus Driver Failed To Activate All Flashing Warn Signal Lights / Other Equipment (MC)**

#### **547.701 - Additional Equipment for School Buses**

A school bus is required to be equipped with a convex mirror and red flashing signal lamps in a prescribed configuration – two to the front, two to the rear, visible to a distance of 500 feet.

A school bus may be equipped with rooftop warning lamps and movable stop arms.

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children. A person may not operate such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus.

A bus that is a model year of 2018 or later and operated by or contracted for use by a school district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply if the board of trustees for the school district determines that the district's budget does not permit the district to purchase a bus that is equipped with the seat belts required by this subsection and votes to approve that determination in a public meeting.



**Note:** Although most new school buses are required to be equipped with safety belts, the bus passengers are not required to be buckled by state law (only the operator must be buckled). This is because a school bus does not meet the definition of a “passenger vehicle” utilized in [545.412](#) and [545.413](#).

For additional information regarding school bus safety equipment, see the [Texas DPS School Bus Specifications Manual](#).

### No/Defective/Improper Slow-Moving Vehicle Emblem (MC)

#### [547.703 - Additional Equipment Requirements for Slow Moving Vehicles](#)

A slow-moving vehicle must display a slow-moving-vehicle emblem that has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet, is mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem, and is maintained in a clean, reflective condition.

This requirement does not apply to a vehicle that is used in construction or maintenance work and is traveling in a construction area that is marked as required by the Texas Transportation Commission.



If a motor vehicle displaying a slow-moving-vehicle emblem tows machinery, including an implement of husbandry, and the visibility of the emblem on the towing vehicle is not obstructed, the towed unit is not required to display a slow-moving-vehicle emblem.

Golf carts, NEVs, and Off-Highway vehicles operated at a speed of not more than 25 MPH are required to display this emblem (when operated on the highway, not private property).

**Reference** [547.001](#) – “Slow-moving vehicle” means: (A) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility device, as defined by Section 551.201; or (B) a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by: (i) an animal; or (ii) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.

“Slow-moving-vehicle emblem” means a triangular emblem that conforms to standards and specifications adopted by the director under Section 547.104.

**Reference** [Texas Administrative Code Title 37, Part 1, Rule 21.9](#) – standards for slow moving vehicle emblems

**Reference** [547.005\(a\)](#) – slow moving vehicle emblems [cannot be used on stationary objects](#).

## TRC CHAPTER 550 – CRASH INVESTIGATION

### When must a crash be reported by an involved party?

There are only two circumstances when a citizen is required to immediately report a crash to the police:

- (1) injury or death of a person occurs, or
- (2) the vehicle is damaged to the extent that it cannot be normally and safely driven.

Failure to report a crash in either of these circumstances constitutes a violation for [Fail To Report Collision At Once To Proper Authorities](#).

[550.022\(d\)](#) provides guidance as to what “normally or safely driven” means: the vehicle does not require towing and can be operated under its own power in its usual manner without additional damage or hazard to the vehicle, other traffic, or the roadway.

### Investigating vs. Reporting

To properly determine when and where crashes are investigated and reported, we must understand that these two terms are not the same.

**Investigate** – a peace officer interviews witnesses and drivers, collects/evaluates evidence, and files justifiable charges.

**Report** – a peace officer submits a CR-3 to TXDOT.

**Not every crash that can be investigated is required to be reported.**

### When to Investigate

#### [550.041 - Investigation by Peace Officer](#)

Peace officers notified of crashes may investigate the crash and file justifiable charges if the crash involves injury or death, or property damage to an apparent extent of at least \$1000. The language in this section regarding filing charges gives peace officers the authority to file charges for violations they did not witness firsthand. Evidence of the violation is established through the crash investigation.

**Where is a crash not investigable?** There are only two locations where a crash is not considered to be investigable under the TRC’s authority even if it causes injury or damage in excess of \$1000:

- 1) privately owned residential parking areas; and
- 2) privately owned parking lots where a fee is charged for parking or storing vehicles.

Crashes that occur in these locations are not considered investigable motor vehicle crashes. If someone is injured or property damage occurs in these areas, law enforcement can still investigate what happened like any other reported injured person or property damage for culpability under the Penal Code, however this would not be considered a motor vehicle crash and TRC charges would generally not apply.



**THP Manual, Chapter 6 – 6.04 – WHEN TO INVESTIGATE:** All fatal injury, personal injury, and extensive property damage crashes should be thoroughly investigated. Single vehicle crashes with wild animals in which there is no injury and only damage to the striking vehicle are not required to be investigated (see note below). Fleet collisions with wild animals will be investigated and reported according to policy.

**Note:** In 2019, THP Chief Ron Joy issued guidance regarding reducing the number of non-injury vehicle vs. wild animal crashes worked by DPS personnel. This guidance directed Communications personnel to ask specific questions regarding a reported animal crash and to encourage involved parties to self-report to their insurance companies without a police investigation if there were no injuries and the only property damaged was their own vehicle. This guidance should not be used by peace officers to decline or refuse to respond to animal crashes. Once notified of a reportable crash, personnel have a duty to respond, investigate, and report. (for further details, see e-mailed guidance from Chief Ron Joy, 01/28/19).

### **When to Report**

#### **550.062 – Officer’s Collision Report**

A law enforcement officer who in the regular course of duty investigates a motor vehicle collision shall make a written report of the collision if the collision resulted in injury to or the death of a person or damage to the property of any one person to the apparent extent of \$1,000 or more.

**The requirement to report under this section only applies to places described in Chapter 550.001:**

#### **550.001 - Applicability of Chapter**

Chapter 550 applies to some places where most of the TRC does not apply. This means crashes can be reported in areas like parking lots and almost any other place open to the public.

Chapter 550 applies to:

- (1) Roads owned and controlled by a water control district**
- (2) Private access ways or parking areas provided for a client by a business** (other than private residential property or parking garages/lots where a fee is charged for parking)
- (3) A highway or other public place**
  - Highway ([541.302](#)) – *the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular transport.*
  - Public Place ([PC 1.07](#)) – *any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.*

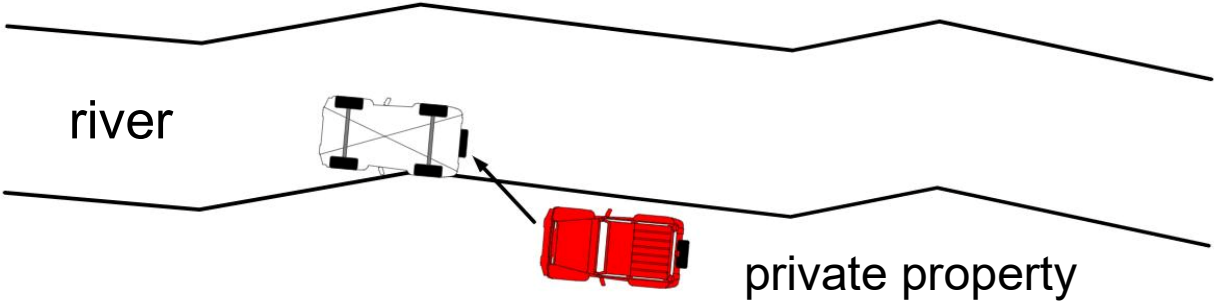
### **To Summarize**

[550.041](#) grants peace officers the authority to investigate crashes anywhere except private residential parking areas or privately owned parking lots where a fee is charged for parking.

[550.062](#) and [550.001](#) require that a report be submitted to TXDOT if the crash occurred on roads owned by a water control district, private access ways or parking areas provided for a client by a business, highways, or other public places.

Crashes that are investigated in locations not described by 550.001 are not required to be reported to TXDOT.

**Investigation and Reporting Examples:**



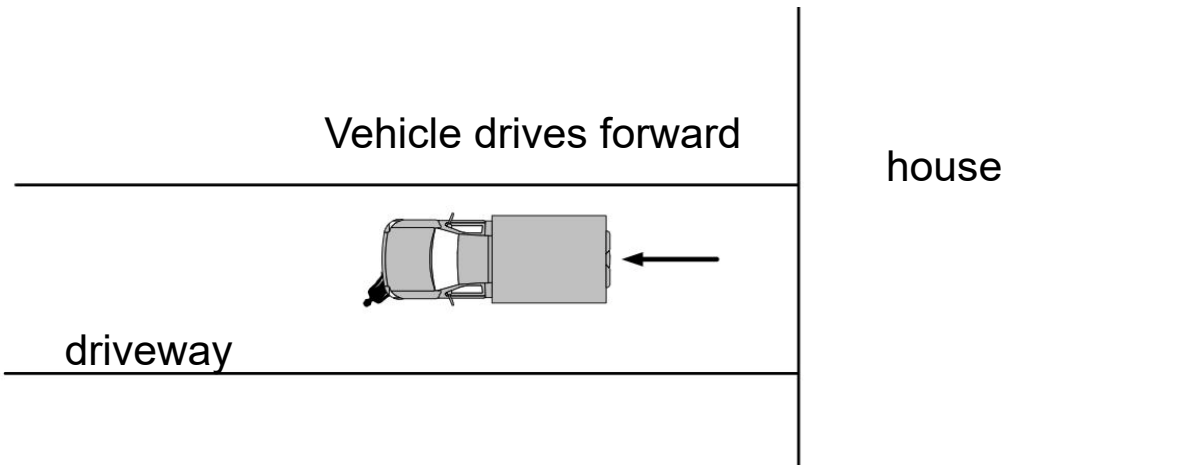
The diagram shows a top-down view of a road. On the left side of the road, there is a wavy line representing a river. On the right side, there is a wavy line representing private property. A red car is shown on the private property side, with an arrow pointing towards a white car that has rolled into the river. The word 'river' is written on the left side, and 'private property' is written on the right side.

This vehicle is driving on private property and rolls into a river. The incident causes injuries and/or damage to an apparent extent of \$1000 or more.

**Can this crash be investigated?** Yes. [550.041](#) grants authority to investigate anywhere except private residential parking areas and parking lots where a fee is charged for parking.

**Should this crash be reported to TXDOT on a CR-3?** No. This location is not one of the locations described in [550.001](#), therefore this crash should not be reported even though it was investigated.

**What do we do?** In many areas, local law enforcement agencies investigate crashes like this and complete an incident report rather than a CR-3. If investigated by DPS, a CR-3 can be completed to document the facts of the crash, however it does not need to be sent to TXDOT and should be retained on the local level.



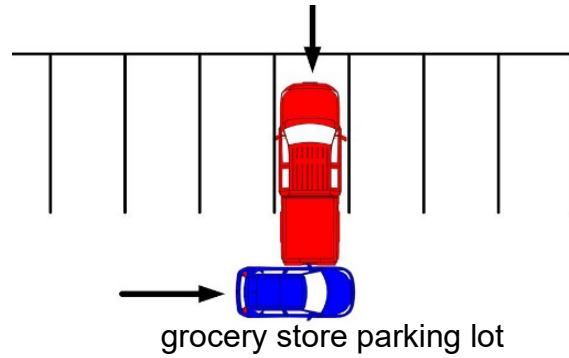
The diagram shows a top-down view of a driveway. The driveway is bounded by two horizontal lines. A grey car is shown in the middle of the driveway, with an arrow pointing to the left, indicating its direction of travel. To the right of the driveway, there is a vertical line representing a house. The text 'Vehicle drives forward' is written above the car, and 'driveway' is written below the car. The word 'house' is written to the right of the vertical line.

This vehicle drives forward in a residential driveway and strikes a pedestrian, causing injury.

**Can this be investigated as a crash?** No. [550.041](#) describes a private residential parking area as a location where a crash is not considered investigable. (The event can still be investigated as an assaultive offense under the Penal Code and local law enforcement may complete an incident report)

**Should this crash be reported to TXDOT on a CR-3?** No. The crash is not investigated as a crash due to the location, therefore it is not reported to TXDOT.

The red pickup is backing up in the grocery store parking lot and strikes the blue vehicle. The incident causes injuries and/or damage to an apparent extent of \$1000 or more.



**Can this crash be investigated?** Yes. [550.041](#) grants authority to investigate anywhere except private residential parking areas and parking lots where a fee is charged for parking.

**Should this crash be reported to TXDOT on a CR-3?** Yes. [550.062](#) and [550.001](#) required that a crash be reported to TXDOT after it is investigated. The grocery store parking lot is a parking area provided for patrons by a business and it is also a public place, therefore it falls under the locations described in 550.001.

**Can the driver of the red pickup be cited for Backed Without Safety?** No. [542.001](#) requires that an offense be committed on a "highway" to be considered a violation of the Transportation Code. For more information, see [General Applicability of the Transportation Code](#).

### Crash Investigation in Master-Planned Communities

**Question: Are crashes that occur in master planned communities or subdivisions reportable?**

**Answer: It depends.**

**Details:** If the master-planned subdivision is not gated (i.e. access is not restricted) then crashes that take place in the subdivision are reportable even if the roads are privately maintained. Crash investigation/reporting has its own applicability section ([550.001](#)) that expands applicability to places beyond "highways" (it includes privately owned parking lots, roads maintained by water improvement districts, highways, and other public places). If the roads within a master planned community are not publicly maintained, they do not meet the definition of "highway" and officers cannot write tickets or take enforcement action for most TRC violations. But as long as access is not restricted, the roads are still considered a public place and the crashes are reportable just like crashes can be reported in business parking lots or other private roads that are open to the public.

**Example:** A crash occurs in a non-gated subdivision with privately owned roads maintained by the HOA. An unlicensed 14-year-old is traveling at an unsafe speed, straightens out a curve and crashes. An officer can report the crash and show a factor of "60 – Unsafe Speed", but the officer cannot write a ticket for No Driver License or Unsafe Speed because the crash occurred in a location that does not meet the definition of a "highway" for general TRC applicability ([542.001](#)).

Note that DWI offenses could still be enforced in that subdivision because it is considered a public place. DWI does not have to take place on a "highway", just a "public place" (Reference [Peal Code 49.04](#)).

**Is a gated master planned community always considered a non-public place?**

Not necessarily. It still depends on how restrictive access to the community is controlled. What are the circumstances of access through the gate? Is it always closed, or is it left open sometimes? What if someone approaches the gate and tells a guard he is visiting a friend? Will the guard let him through? Is a certain credential or hangtag needed to get through the gates? Are there exceptions? If a vehicle is

found inside the community without a specific sticker on the windshield, will it be removed from the community? An officer will essentially have to evaluate each gated community on a case by case basis. If there is a gate, obviously some access is restricted. The key question is “how restricted is the access and can a substantial group of the public still gain access?” The fact that there are standards for entrance does not necessarily mean the community is a non-public place. If, however, access is strictly controlled and a significant portion of the public is restricted from accessing the subdivision, the crashes are not reportable to TXDOT because roadways within such subdivisions are no longer considered open to the public. Police can still respond to investigate (i.e. take an incident report) but a crash report is not generated or submitted to TXDOT.

### **Crashes in Highway Construction Areas Closed for Vehicular Travel**

If a crash occurs on a roadway or a portion of a roadway that is closed for maintenance or repair, it is not considered a reportable crash to TXDOT. The CR-100 describes characteristics of motor vehicle traffic crashes, including the requirement for the unstable situation, injury, or damage to originate or occur on a “trafficway”. The CR-102 defines “trafficway” as *any land way open to the public as a matter of right or custom for moving persons or property from one place to another*. Section 2.1 of the CR-102 provides additional information and interpretations regarding “trafficway” status, and it specifically states a trafficway closed for repair purposes is no longer considered a trafficway.

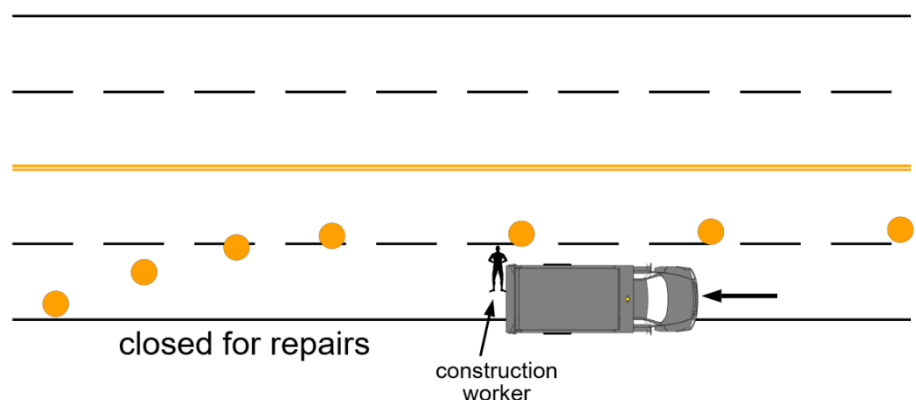
#### **Example:**

A lane of this highway is closed for repair. A dump truck is backing up in the closed lane and strikes a construction worker. Because this incident occurred in an area closed to the public for vehicular travel, it would not be considered a reportable crash because the area is no longer a “trafficway”.

Please note, in this example the entire event originated and

occurred in the closed lane. If a vehicle was traveling in the open lane, lost control, and then entered the closed lane before striking the construction worker, the event would be considered a reportable crash because it originated in a lane that was open to the public.

**Note:** although this event is not a reportable crash, it can still be investigated by a peace officer under the authority of [550.041](#). This investigation would essentially be like any other injured or deceased person investigation where an officer collects evidence, interviews witnesses, and files any justifiable charges. A CR-3 crash report would not be generated because the event is not considered a reportable crash.



**Fail To Stop And Render Aid (Resulting In Death) (F2)**

**Fail to Stop and Render Aid (Resulting in SBI) (F3)**

**Fail To Stop And Render Aid (Resulting In Bodily Injury) – (F3)**

**550.021 - Collision Involving Personal Injury or Death (FSRA – Felony)**

This statute describes a driver's responsibilities when they have been involved in a collision that results or is reasonably likely to result in injury to or death of a person. Drivers are required to:

- (1) Immediately stop at the scene
- (2) Immediately return to the scene if they were not able to initially stop
- (3) Immediately determine if a person is involved
- (4) Remain at the scene until they comply with requirements to give info to other parties involved

The level of offense depends on nature of injuries/death suffered to others during a crash – **SBI** is defined in [Penal Code 1.07](#). **Personal Injury** is defined in [541.401\(7\)](#).

**Note:** This section and the next few sections use the phrase “involved in a collision”. These offenses could be filed against a non-contact unit that contributed to a crash and fled the scene. There is no requirement for a vehicle to actually collide with another vehicle. The requirement is simply that the vehicle be “involved” in the crash (see [Gillie v. State, 181 S.W. 3<sup>rd</sup>, 768](#)).

**Case Law** – [Curry v. State, Court of Criminal Appeals, PD-0577-18](#) – In 2013, this section of the law was amended to add the requirement that a driver involved in a collision “immediately determine if a person is involved”. At times, drivers that leave the scene of a collision claim they did not know that another person was involved (i.e. “I thought I hit a pothole.” Or “I thought I hit a dog.”). The Court of Criminal Appeals held that, because of the addition of this requirement, a person is obligated to stop and make sure another person was not involved any time the collision could have reasonably involved another person. In other words, the state does not have to prove that the defendant knew they hit a person to prosecute under this section. The state simply has to prove that the collision could have reasonably involved another person.

**Does the driver have to know he was involved in the crash?** Yes. Although there is not a culpable mental state attached to this offense, the courts have held that, based on the way this section was adopted from other law, a driver must have knowledge that a crash occurred as an element of this offense (see [Baker v. State, 974 S.W.2d 750\(1998\)](#); [Goss v. State, 582 S.W.2d 782](#); [Mayer v. State, 494 SW 3d 844](#)).

**Discussion:** Can a driver in a one vehicle, single occupant crash who only injures themselves and does not damage any property aside from their own vehicle be charged with FSRA under 550.021 (Collision Involving Personal Injury or Death) or 550.022 (Collision Involving Damage to Vehicle) if they flee the scene? **Answer: No.**

**Reasoning:** The requirements under 550.021 and 022 are that a person involved in the type of crash described shall immediately stop at or return to the scene, determine whether or not anyone needs aid as a result of the collision, and then remain at the scene until they comply with [550.023](#). [550.023](#) requires that a person involved in a crash causing injury or damage give the operator's information to anyone else involved in the crash and to provide assistance to anyone that requires aid. Once they've done these things, they are no longer required to remain at the scene under these sections.

If the vehicles strike a fence or damage some other type of property aside from their vehicle they must comply with [550.025](#) (Duty on Striking Structure, Fixture, of Highway Landscaping). Aside from that, a person who flees the scene of the crash described above is only committing a violation of [550.026](#) (Immediate Report of Collision) – assuming there is some type of injury or there is damage to the vehicle so that it cannot be normally and safely driven. This violation is a Class C Misdemeanor.

When a driver flees the scene of a one person, one vehicle crash that does not involve anyone but the driver and does not damage anyone’s property aside from the crashed vehicle, the highest level of offense would be a Class C Misdemeanor under [550.026](#).

**Fail To Stop And Render Aid Or Give Information (Damage To Attended Vehicle < \$200) (MC)**

**Fail To Stop And Render Aid Or Give Information (Damage To Attended Vehicle >= \$200) (MB)**

#### **[550.022 - Collision Involving Damage to Vehicle \(FSRA – Misdemeanor\)](#)**

This statute describes a driver’s responsibilities when they have been involved in a collision that does not cause injuries but does involve another vehicle that is driven or attended by a person. Drivers are required to:

- (1) Immediately stop at the scene
- (2) Immediately return to the scene if they were not able to initially stop
- (3) Remain at the scene until they comply with requirements to give info to other parties involved

Failure to comply with this section is a Class C Misdemeanor if the damage is in an amount of less than \$200. Otherwise, the offense is a Class B Misdemeanor.

**Reference** [543.002](#) – although this offense is a Class C Misdemeanor when damage is less than \$200, [543.002](#) requires that a violator be “immediately taken before a magistrate” if charged with failure to stop in the event of a collision causing damage to property. This means the violator should be taken directly to a judge (if during business hours and the judge is available) or arrested and placed in jail until arraigned by a magistrate. There is no exception to this requirement when the offense is a Class C Misdemeanor.

**Note:** This section uses the phrase “involved in a collision”. These offenses could be filed against a non-contact unit that contributed to a crash and fled the scene. There is no requirement for a vehicle to actually collide with another vehicle. The requirement is simply that the vehicle be “involved” in the crash (**supporting case law** – [Gillie v. State, 181 S.W. 3<sup>rd</sup>, 768](#)).

**Does the driver have to know he was involved in the crash?** Yes. Although there is not a culpable mental state attached to this offense, the courts have held that, based on the way this section was adopted from other law, a driver must have knowledge that a crash occurred as an element of this offense (see [Baker v. State, 974 S.W.2d 750\(1998\)](#); [Goss v. State, 582 S.W.2d 782](#); [Mayer v. State, 494 SW 3d 844](#)).



### **Fail To Move Vehicle After Crash In A Metropolitan Area (MC)**

#### **550.022 - Collision Involving Damage to Vehicle**

**(b)** In a metropolitan area only, drivers involved in crashes on a main lane, ramp, shoulder, median, or adjacent area of a freeway are required to move their vehicles out of the traffic lanes to a secondary crash investigation location if the vehicles can be safely driven under their own power. The section goes on to state that a vehicle is considered to normally and safely driven only if it does not require towing and can be operated under its own power in its usual manner without additional damage or hazard to the vehicle, other traffic, or the roadway.

**Reference** [541.101](#) - "metropolitan area" means an area that: (1) contains at least one municipality with a population of at least 100,000; and (2) includes the adjacent municipalities and unincorporated urban districts.

**Reference** [541.302\(3\)](#) - "Freeway" means a divided, controlled-access highway for through traffic.

### **Fail To Comply With Requirements On Striking Unattended Vehicle <\$200.00 (MC)**

### **Fail To Comply With Requirements On Striking Unattended Vehicle >=\$200.00 (MB)**

#### **550.024 - Duty on Striking Unattended Vehicle**

An operator who strikes another vehicle that is not driven or attended by a person (a parked vehicle) must immediately stop and attempt to locate the owner of the vehicle. If the owner cannot be located, the operator is required to leave their information in a conspicuous place on the vehicle. This offense is a Class C Misdemeanor if the damage is less than \$200. Otherwise, it is a Class B Misdemeanor.

**Reference** [543.002](#) – although this offense is a Class C Misdemeanor when damage is less than \$200, [543.002](#) requires that a violator be "immediately taken before a magistrate" if charged with failure to stop in the event of a collision causing damage to property. This means the violator should be taken directly to a judge (if during business hours and the judge is available) or arrested and placed in jail until arraigned by a magistrate. There is no exception to this requirement when the offense is a Class C Misdemeanor.

### **Fail To Comply With Requirements Striking Structure /Fixture/Landscaping <\$200.00 (MC)**

### **Fail To Comply With Requirements Striking Structure/Fixture/Landscaping >=\$200.00 (MB)**

#### **550.025 - Duty on Striking Structure, Fixture or Highway Landscaping**

An operator who strikes fixtures, structures, or landscaping adjacent to a highway during a crash is required to make reasonable efforts to locate and notify the owner of the damaged property and provide identifying information. Failure to do so is a Class C Misdemeanor if the damage is less than \$200. Otherwise, this offense is a Class B Misdemeanor.

What is a "reasonable effort"? Officers should use common sense when determining whether or not an operator made a reasonable effort to notify the owner of damaged property. Consideration should be given to factors such as the time of day, proximity of a home or obvious property owner location, injuries sustained by the operator, etc. The question, essentially, is "Was the operator trying to avoid taking responsibility for the damage?"

Reference [543.002](#) – although this offense is a Class C Misdemeanor when damage is less than \$200, [543.002](#) requires that a violator be “immediately taken before a magistrate” if charged with failure to stop in the event of a collision causing damage to property. This means the violator should be taken directly to a judge (if during business hours and the judge is available) or arrested and placed in jail until arraigned by a magistrate. There is no exception to this requirement when the offense is a Class C Misdemeanor.

**Fail To Report Injury Collision at Once to Proper Authorities (MC)**

**Fail To Report Non-Injury Collision at Once to Proper Authorities (MC)**

#### **[550.026 - Immediate Report of Collision](#)**

**Note:** these are the only circumstances a person is required to report a crash to authorities.

If an operator is involved in a crash resulting in injuries or death, or in damage to a vehicle so that it cannot be normally or safely driven, they must immediately notify law enforcement of the crash.

[550.022\(d\)](#) provides guidance as to what “normally or safely driven” means: the vehicle does not require towing and can be operated under its own power in its usual manner without additional damage or hazard to the vehicle, other traffic, or the roadway.

## TRC CHAPTER 551 – BICYCLES, MOPEDS, AND PLAY VEHICLES

### 551.001 – Applicability

Unless specifically provided otherwise, a provision of this chapter that applies to a person operating a bicycle applies only to a person operating a bicycle on a highway or a path set aside for the exclusive operation of bicycles.

### 551.002 - Moped and Electric Bicycle Included

Mopeds ([541.201](#)) and Electric Bicycles ([664.001](#)) are treated like bicycles for the purposes of these violations.

### 551.107 – Operation of Electric Bicycle

Electric bicycles are not required to comply with Subtitles A (Title and Registration), B (Driver's License), and D (Insurance) and Chapter 663 (renumbered to Chapter 551A – Off-Highway Vehicle Operation).

A person must be at least 15 years of age to operate a Class 3 electric bicycle - defined in [664.001](#) - "*Class 3 electric bicycle*" means an electric bicycle: (A) equipped with a motor that assists the rider only when the rider is pedaling; and (B) with a top assisted speed of more than 20 but less than 28 miles per hour.

## **Bicycle Rider Commit Any Applicable Violation (Specify) (MC)**

### 551.101 - Rights and Duties

A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle, unless a provision of the law alters a right or duty or a right or duty by its nature cannot apply to a person operating a bicycle.

This arrest title may be used when a bicyclist breaks any applicable traffic law. Details should be added in the notes to further explain the violation.

Example: You observe a bicyclist disregard a stop sign while riding on the highway. You may cite the Bicyclist for **Disregard Stop Sign**, however if you would like language specific to the bicycle on your citation you may instead cite for **Bicycle Rider Commit Any Applicable Violation** and then specify "Disregarded Stop Sign" in the violation notes.

### **Ride Bicycle Improperly (MC)**

### **Ride Bicycle Improperly - Too Many (MC)**

### **Carry Articles So As To Interfere With Handling Of Bicycle (MC)**

### 551.102 - General Operation

A person riding a bicycle is required to ride only on or astride a permanent and regular seat attached to the bicycle (offense – **Ride Bicycle Improperly**).

A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry (offense – **Ride Bicycle Improperly – Too Many**).

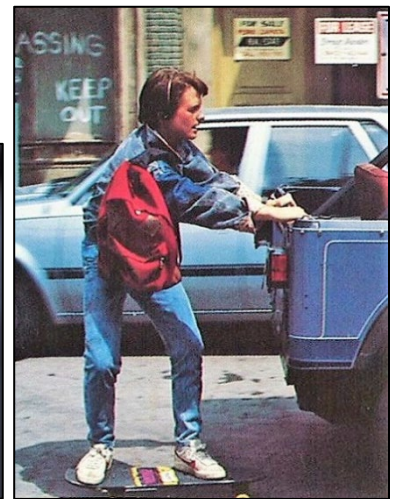
A person may not use the bicycle to carry an object that prevents the person from operating with at least one hand on the handlebars (offense – **Carry Articles so as to Interfere with Handling of Bicycle**). **Note:** riding with no hands on the handlebars is not a violation unless the person is carrying an object that prevents them from placing a hand on the handlebars.

**Remember:** These provisions only apply to bicycles operating on the highway or exclusive bike path ([551.001](#)). A person operating a bicycle on private property, in parking lots, etc. is not subject to these requirements.

### Clung To Vehicle On Bicycle, Coaster, Roller Skates, Sled, Toy Vehicles (MC)

#### [551.102 - General Operation](#)

(d) It is an offense to attach a bicycle, coaster, sled, toy vehicle, or person on roller skates to a vehicle or streetcar. **Note:** The person on the bicycle, coaster, sled, toy vehicle, or on roller skates is the one who commits the offense, not the operator of the vehicle pulling them.

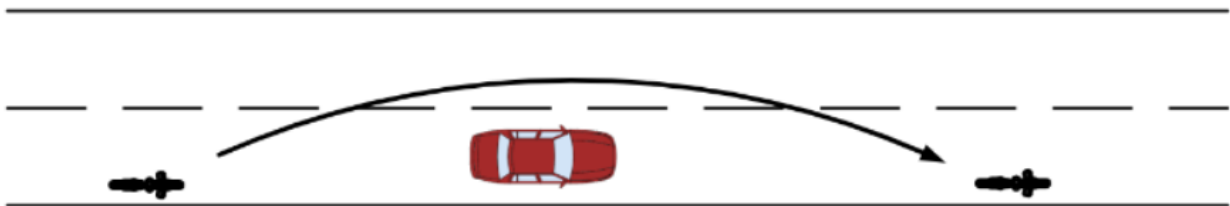


### Failure To Keep Bicycle On Right Side Of Roadway (MC)

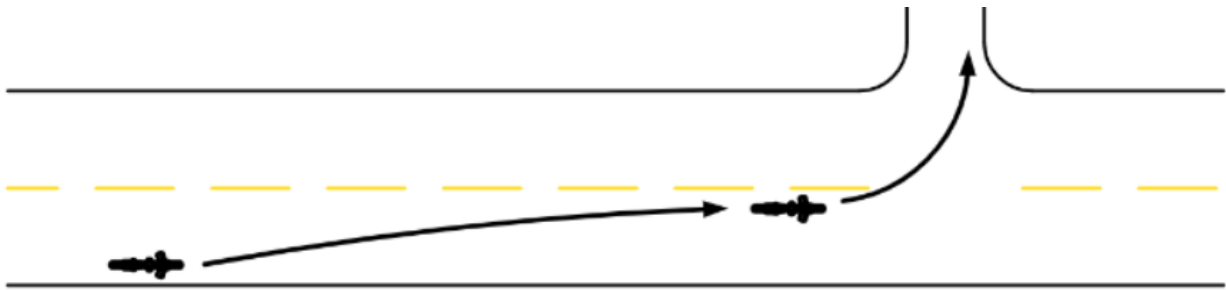
#### [551.103 - Operation on Roadway](#)

A person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway is required to ride as near as practicable to the right curb or edge of the roadway. Bicycles are permitted to move from the right edge of the roadway in the following circumstances:

- (1) the person is passing another vehicle moving in the same direction;



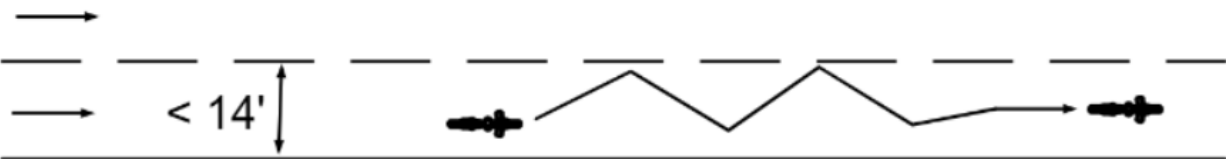
- (2) the person is preparing to turn left at an intersection or onto a private road or driveway;



- (3) a condition of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway;



- (4) the person is operating a bicycle in an outside lane that is less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane or is otherwise too narrow for a bicycle and a motor vehicle to safely travel side by side. The term “outside lane” implies that there are at least two lanes moving in the same direction.



Reference [545.058\(c\)](#) – bicycles are one of the vehicles permitted to operate on the improved shoulder without restriction. They are not required to ride on the improved shoulder, but they are permitted to do so.

**If a bicycle lane is available, are bicycles required to utilize it when operating on the roadway?** No. A bicycle is permitted to operate in the main lane of a roadway even when a bike lane is available as long as the bicycle operates within the parameters of 551.103.

**Fail To Ride In Single Lane When Riding Two Abreast (MC)**

**Ride More Than Two Bicycles Abreast (MC)**

**551.103 - Operation on Roadway**

(c) Bicycles on a roadway may ride two abreast as long as they ride in a single lane and do not impede traffic. No more than two bicycles may ride abreast unless on part of the roadway exclusively for bicycles.

**No/Defective Brake On Bicycle Or Moped (MC)**

**No/Defective White Light On Front Of Bicycle Or Moped – Nighttime (MC)**

**No/Defective Red Reflector Or Red Light On Rear Of Bicycle Or Moped – Nighttime (MC)**

**551.104 - Safety Equipment**

**During daytime** – bicycles are required to have a brake capable of making a braked wheel skid on dry, level, clean pavement.

**At nighttime** – bicycles are required to have a brake as described above, plus a lamp emitting white light visible 500 feet to the front and a red reflector or a red lamp on the back. If a red lamp is used on the back without a red reflector, the lamp must be visible to a distance of 500 feet to the rear.

**Reference [547.002](#)** – bicycles are exempt from the normal application of chapter 547, so they are not required to be lighted like other vehicles. Bicycles with a flashing headlamp or tail lamp are also not in violation of [547.305](#) because flashing red, white, or blue lamps are only prohibited on motor vehicles.

**NEIGHBORHOOD ELECTRIC VEHICLES, GOLF CARTS, AND OTHER SMALL MOTORIZED VEHICLES**

**Electric Personal Assistive Mobility Device Operation Violation (MC)**

**551.201 - Electric Personal Assistive Mobility Device**

This type of device is often called a “Segway”. A two non-tandem wheeled device designed for transporting one person that is self-balancing and propelled by an electric propulsion system with an average power of 750 watts or one horsepower.



**551.202 - Operation on Roadway**

- (1)** If a sidewalk is available, an EPAMD must be operated on the sidewalk unless crossing a highway. If a sidewalk is not available, an EPAMD may be operated on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less.
- (2)** An EPAMD may be operated on a bicycle path.
- (3)** Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.
- (4)** An EPAMD should generally be treated like a bicycle.

**551.203 – Sidewalks**

Electric personal assistive mobility devices may be operated on sidewalks, and in fact they are required to be operated on sidewalks instead of roadways if sidewalks are available.



## Neighborhood Electric Vehicle Operation (Specify) (MC)

### 551.301 – Definition

"Neighborhood Electric Vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with [Federal Motor Vehicle Safety Standard 500 \(49 C.F.R. Section 571.500\)](#). The referenced federal standard requires certain equipment for low-speed vehicles that are manufactured to be operated on public highways.

### 551.302 – Registration

Neighborhood electric vehicles can be issued license plates and full registration like any other automobile. They will have a license plate with a corresponding windshield sticker.



**Neighborhood Electric Vehicles can be legally operated on public roadways under one of two different types of operation (see 551.303 and 551.304 below). The requirement to register and have insurance is dependent on the type of operation taking place.**

### 551.303 - Operation on Roadways

**Under this type of operation, the NEV is treated like a car.** A driver's license, registration, and insurance are required.

- May only be operated on highways with a speed limit of 45 MPH or less
- May only be operated at speeds of 35 MPH or less

Aside from roadway speed limitations, there are no other restrictions on this type of operation, although TXDOT, a county, or a municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body determines that the prohibition is necessary in the interest of safety.

**Reference [547.703](#)** – a slow moving vehicle emblem is required if the neighborhood vehicle is operated at 25 MPH or less on a highway.

### 551.304 - Limited Operation

**Under this type of operation, the NEV is treated like a golf cart.** Registration, a license plate, and insurance are not required. A driver's license is required if operated on a public highway.

Under this type of operation, the neighborhood electric vehicle may be operated in any of the following three circumstances:

- (1) in a master planned community that has in place a uniform set of restrictive covenants and for which a county or municipality has approved a plat (see note below);
- (2) on a public or private beach; or
- (3) for transportation to or from a golf course when on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated during the daytime and not more than two miles from the location where the neighborhood electric vehicle is usually parked.

**Note:** A neighborhood electric vehicle may be operated without registration or insurance “in a master planned community”. “Master Planned Community” is not defined in the Transportation Code. For additional information, see [Texas Attorney General Opinion GA-0966](#).

**Reference** [601.052](#) – Insurance is not required when a NEV is operated in three circumstances described above.

**Reference** [547.703](#) – a slow moving vehicle emblem is required if a NEV is operated at 25 MPH or less on a highway.

### **Operation Of Motor-Assisted Scooter Where Prohibited (MC)**

#### **[551.352 - Operation on Roadways or Sidewalks](#)**

A motor-assisted scooter may only be operated on a street or highway with a **speed limit of 35 MPH or less**. They may also be operated on sidewalks and bike paths. Generally speaking, motor-assisted scooters are treated like bicycles.

**Reference** [551.351](#) - “Motor-assisted scooter” (A) means a self-propelled device with:

- (i) at least two wheels in contact with the ground during operation;
  - (ii) a braking system capable of stopping the device under typical operating conditions;
  - (iii) a gas or electric motor not exceeding 40 cubic centimeters;
  - (iv) a deck designed to allow a person to stand or sit while operating the device; and
  - (v) the ability to be propelled by human power alone; and
- (B) does not include a pocket bike or a minimotorbike.



## Operation Of Pocket Bike Or Minimotorbike Where Prohibited (MC)

### [551.353 - Application of Subchapter to Pocket Bike or Mini-motorbike](#)

A pocket bike or minimotorbike is **not** authorized to be operated any highway, road, street, bike path, or sidewalk. Pocket bikes/minimotorbikes should only be operated off road/on private property.

**Reference** [551.351](#) - "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

- (A) a moped or motorcycle;
- (B) an electric bicycle;
- (C) a motorized mobility device, as defined by Section [552A.0101](#);
- (D) an electric personal assistive mobility device, as defined by Section [551.201](#); or
- (E) a neighborhood electric vehicle, as defined by Section [551.301](#).



## Operate Golf Cart On Highway Without License Plate (MC)

## Operate Golf Cart On Highway When Prohibited (MC)

### [551.401 – Definitions](#)

"Golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course.

### [551.402 – Registration Not Authorized; License Plates](#)

Texas DMV may not register a golf cart under normal 502.040 registration – meaning they will not have a normal license plate and registration insignia combination.

A golf cart operated on the highway in an approved manner, however, is required to display a golf cart license plate issued by DMV (unless being operated in a master planned community). This is not registration – it is an identifying license plate. A golf cart license plate does not expire.

A golf cart license plate return should have a "GC" designation for vehicle type and will identify the plate as a golf cart plate:



LIC G25 [REDACTED] EWT 2000 GWT 2000

GOLF CART PLT, STKR REG CLASS 00 \$ 0.00 COLORADO CNTY

TITLE 04525043962165702 ISSUED ODOMETER N/A REG DT 05/13/2020

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**Golf Carts can be legally operated on public highways under one of two different types of operation (see 551.403 and 551.404 below). Operation outside the parameters described in these two sections is prohibited.**

### [551.403 - Limited Operation](#)

Under this section, a golf cart may be operated in one of three circumstances:

- (1) in a master planned community that is a residential subdivision as defined by 209.002(9) Property Code or has in place a uniform set of restrictive covenants and for which a county or municipality has approved a plat (see note below);
- (2) on a public or private beach; or
- (3) for transportation to or from a golf course when on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated during the daytime and not more than five miles from the location where the golf cart is usually parked.

Reference [601.052\(a\)\(2-a\)](#) - Insurance is not required when a golf cart is operated under this section.

Reference [547.703](#) – a slow moving vehicle emblem is required if a golf cart is operated at 25 MPH or less on a highway.

If the golf cart is being operated on a public roadway under (2) or (3), a golf cart license plate is required.

If the golf cart is being operated in a master planned community, a license plate is not required.

If the golf cart is being operated on a public highway under any of the conditions in this section, a driver's license is required ([Reference – Texas AG Opinion #KP-0364](#)).

**Note:** under (1) above, a golf cart may be operated in a master planned community that is a residential subdivision (see below) or has in place a uniform set of covenants and restrictions. "Master Planned Community" is not defined in the Transportation Code. For additional information, see [Texas Attorney General Opinion GA-0966](#).

Reference [Property Code 209.002\(9\)](#) – Residential Subdivision - *means a subdivision, planned unit development, townhouse regime, or similar planned development in which all land has been divided into two or more parts and is subject to restrictions that: (A) limit a majority of the land subject to the dedicatory instruments, excluding streets, common areas, and public areas, to residential use for single-family homes, townhomes, or duplexes only; (B) are recorded in the real property records of the county in which the residential subdivision is located; and (C) require membership in a property owners' association that has authority to impose regular or special assessments on the property in the subdivision.*

### [551.404 - Operation in Municipalities and Certain Counties](#)

#### **Operation of Golf Carts in Municipalities**

In addition to the operation authorized by Section [551.403](#), the governing body of a municipality may allow operation of a golf cart on all or part of a highway that is in the corporate boundaries of the municipality and has a **posted speed limit of not more than 35 miles per hour**. This is accomplished by the city adopting an ordinance permitting this type of golf cart operation. Prior to taking enforcement action for a golf cart operating on public roadways within city limits, ensure that the city has not adopted



an ordinance permitting this operation. If the golf cart is being operated on a roadway with a speed limit of more than 35 MPH, the golf cart is being operated when prohibited.

### Operation of Golf Carts in Certain Counties

Certain counties are also authorized to allow an operator to operate a golf cart on all or part of a highway that is located in the unincorporated area of the county if the roadway has a **speed limit of not more than 35 miles per hour**. Not all counties have the authority to do so. The county must: (1) border or contains a portion of the Red River; or (2) border the Gulf of Mexico and has a population of less than 500,000.

A golf cart operated under this section would be required to have a golf cart license plate ([551.402](#)), insurance ([601.051](#)), and a licensed driver ([521.021](#)). The golf cart must also be equipped according to [551.4041](#) (see below).

**Reference [547.703](#)** – a slow moving vehicle emblem is required if a golf cart is operated at 25 MPH or less on a highway.

### [551.4041 – Equipment](#)

A golf cart operated under Section [551.404](#) (in a municipality or county when allowed by ordinance) must have the following equipment: (1) headlamps; (2) taillamps; (3) reflectors; (4) parking brake; and (5) mirrors.

## Unusual Small Motorized Vehicles – How Should They Be Treated?

The first step to regulating a vehicle is finding an accurate definition in the Transportation Code. The following guidance is intended to help officers to decide how each vehicle should be regulated.



### A bicycle with an internal combustion engine

If the engine is not running and the operator is pedaling, it is appropriate to treat the vehicle like any other bicycle, as it still meets the definition of a bicycle in [541.201](#).

If the engine is being used, regulation becomes more complicated. If the engine displacement is less than 50 cc, this vehicle meets the definition of a minimotorbike in [551.351](#). As such, operation on a public highway is prohibited ([Operation Of Pocket Bike Or Minimotorbike Where Prohibited](#)).

If the engine displacement is 50 ccs or greater, the most accurate definition is “motorcycle” in [541.201](#). Operation on public highways would be prohibited, as legal motorcycle operation requires registration and license plates, and DMV will not title and register this vehicle as a motorcycle. The offense would be [Operate Unregistered Motor Vehicle](#). A class M license would also be required and there are numerous lighting violations if this vehicle is considered a motorcycle.



### A bicycle with an electric motor

If the motor wattage is fewer than 750 watts and the top assisted speed is not more than 28 MPH, this vehicle is considered an electric bicycle under [664.001](#). Electric bicycles are generally regulated like non-electric bicycles. No driver's license would be required.

If the motor wattage is 750 watts or higher **OR** the top assisted speed exceeds 28 MPH, this vehicle no longer meets the definition of an electric bicycle. The vehicle would then meet the definition of a minimotorbike in [551.351](#). As such, operation on a public highway would be prohibited ([Operation Of Pocket Bike Or Minimotorbike Where Prohibited](#)).



### A "microcycle" or single-wheeled motor vehicle

This vehicle technically meets the definition of a "motorcycle" in [541.201](#). If a person has titled, registered, and affixed the required license plate, it should be regulated as a motorcycle (Class M license required, insurance required, motorcycle lighting equipment required as described in Chapter 547).

If the vehicle is not eligible for title and registration in Texas, the vehicle meets the definition of a minimotorbike in [551.351](#). As such, operation on a public highway would be prohibited ([Operation Of Pocket Bike Or Minimotorbike Where Prohibited](#)).



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### An electric unicycle

This vehicle does not meet the definition of an electric bicycle.

The vehicle meets the definition of "motorcycle" in [541.201](#) and the definition of "minimotorbike" in [551.351](#). As a motorcycle, it cannot be legally operated on public highways because it is ineligible for title and registration ([Operate Unregistered Motor Vehicle](#)). As a minimotorbike, operation on a

public highway would be prohibited ([Operation Of Pocket Bike Or Minimotorbike Where Prohibited](#)). Until a vehicle like this is more specifically defined in the Transportation Code, there is not a clear path to legal operation on a public highway or sidewalk.





### A Dirt Bike

Dirt bikes lack required equipment to be titled and registered as motorcycles in Texas. Although they cannot be titled or registered, they still meet the definition of a motorcycle in [541.201](#). A person operating a dirt bike on a public highway commits the offense of [Operate Unregistered Motor Vehicle](#). If the operator does not have a class M license, they are committing the additional offense of [Improper License for Type of Vehicle](#).

**Note:** Dirt bikes do not meet the definition of an off-highway vehicle as described in [551A.001](#) and can therefore not be operated in places where off-highway vehicle operation is permitted (see next section).

## Bicycles, NEVs, Golf Carts, and other Special Motorized Vehicles – Quick Reference Page

Device	Treated as	DL §521.021	Insurance §601.051	LP	Specifications of Operation
Class 1 Electric Bicycle §664.001(1)	Bicycle	No	No	No	<ul style="list-style-type: none"> <li>Motor assists only when rider is pedaling</li> <li>Top assisted speed of 20 MPH or less</li> </ul>
Class 2 Electric Bicycle §664.001(2)	Bicycle	No	No	No	<ul style="list-style-type: none"> <li>Motor may assist without rider pedaling</li> <li>Top assisted speed of 20 MPH or less</li> </ul>
Class 3 Electric Bicycle §664.001(3)	Bicycle	No, but rider must be at least 15 on highway §551.107(c)	No	No	<ul style="list-style-type: none"> <li>Motor assists only when rider is pedaling</li> <li>Top assisted speed between 20-28 MPH</li> <li>Must be equipped with speedometer §664.004</li> </ul>
Motorized Mobility Device   Electric Wheelchair §552A.0101	Pedestrian §552A.0101(b)	No	No	No	<ul style="list-style-type: none"> <li>Not capable of speeds exceeding 8 MPH</li> </ul>
Electric Personal Assistive Mobility Device   Segway §551.201	Bicycle §551.202(d)	No	No	No	<ul style="list-style-type: none"> <li>Required to operate on sidewalk, if available</li> <li>If no sidewalk, must be on a roadway with a speed limit of 30 MPH or less</li> <li>May be operated on a path set aside exclusively for bicycles §551.202</li> </ul>
Motor Assisted Scooter §551.351(1)	Bicycle §551.352(d)	No	No	No	<ul style="list-style-type: none"> <li>On highway with speed limit of 35 MPH or less</li> <li>City, county, or TXDOT may prohibit operations in the interest of safety</li> <li>Not authorized to operate on any highway, road, street, bicycle path, or sidewalk.</li> <li>Private property only. §551.353</li> </ul>
Pocket Bike or Minimotorbike §551.351(2)	Off Road Vehicle	No	No	No	<ul style="list-style-type: none"> <li>May be operated on a highway with a max speed limit of 45 MPH</li> <li>May not exceed 35 MPH</li> <li>City, county, or TXDOT may prohibit in the interest of safety</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>
Neighborhood Electric Vehicle §551.303	Passenger Car	Yes	Yes	Yes §502.040	<ul style="list-style-type: none"> <li>Master planned community with restrictive covenants and an approved plat; or</li> <li>Public or private beach; or</li> <li>Public highway with speed limit not more than 35 mph during the day and not more than two miles from parked location to and from a golf course.</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>
Neighborhood Electric Vehicle §551.304	Golf Cart	Yes	No §601.052(a)(2)	No §551.304(b)	<ul style="list-style-type: none"> <li>Master planned community with restrictive covenants and an approved plat; or</li> <li>Public or private beach; or</li> <li>Highway with speed limit not more than 35 mph during the daytime and not more than five miles from parked location to and from a golf course.</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>
Golf Cart §551.403	Golf Cart	Yes	No §601.052(a)(2-a)	MPC ≤35 mph No §551.403(b) Not an MPC Yes §551.402(b)	<ul style="list-style-type: none"> <li>A municipality may allow operations on a highway within the city limits that has a posted speed limit of not more than 35 mph</li> <li>Golf cart must be equipped with headlamps, taillamps, reflectors, parking brake, and mirrors. §551.4041</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>
Golf Cart – Within a Municipality §551.404(a)	Passenger Car	Yes	Yes	Yes §551.402(b)	<ul style="list-style-type: none"> <li>Certain counties may allow operations on a highway within unincorporated areas of the county that has a posted speed limit of not more than 35 mph</li> <li>Golf cart must be equipped with headlamps, taillamps, reflectors, parking brake, and mirrors. §551.4041</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>
Golf Cart – Within Unincorporated Parts of Certain Counties §551.404(b)	Passenger Car	Yes	Yes	Yes §551.402(b)	<ul style="list-style-type: none"> <li>Certain counties may allow operations on a highway within unincorporated areas of the county that has a posted speed limit of not more than 35 mph</li> <li>Golf cart must be equipped with headlamps, taillamps, reflectors, parking brake, and mirrors. §551.4041</li> <li>At speeds of ≤25 mph, a slow moving vehicle emblem is required §547.703(d)</li> </ul>

Updated 7/2021

## CHAPTER 551A – OFF-HIGHWAY VEHICLES

### What is an Off-Highway Vehicle?

#### 551A.001 – Definitions

There are four vehicles to which the term “Off-Highway Vehicle” applies:

- (1) All-terrain vehicle
- (2) Sand rail
- (3) Recreational off-highway vehicle
- (4) Utility Vehicle

Each of these vehicles is treated the same in the TRC. They may all be operated in the same areas and in the same manner. They all fall under the umbrella term “Off-Highway Vehicle”.

#### All-Terrain Vehicle



*"All-terrain vehicle" means a motor vehicle that is:*

- (A) *equipped with a seat or seats for the use of:*
  - (i) *the rider; and*
  - (ii) *a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;*
- (B) *designed to propel itself with three or more tires in contact with the ground;*
- (C) *designed by the manufacturer for off-highway use;*
- (D) *not designed by the manufacturer primarily for farming or lawn care; and*
- (E) *not more than 50 inches wide.*

#### Sand Rail



*"Sand rail" means a vehicle that:*

- (A) is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;*
- (B) has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and*
- (C) has a gross vehicle weight, as defined by Section 541.401, of not less than 700 pounds or more than 2,000 pounds.*

### **Recreational Off-Highway Vehicle**



*"Recreational off-highway vehicle" means a motor vehicle that is:*

- (A) equipped with a seat or seats for the use of:
  - (i) the rider; and*
  - (ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;**
- (B) designed to propel itself with four or more tires in contact with the ground;*
- (C) designed by the manufacturer for off-highway use by the operator only; and*
- (D) not designed by the manufacturer primarily for farming or lawn care.*

### **Utility Vehicle**



*"Utility vehicle" means a motor vehicle that is not a golf cart, as defined by Section 551.401, or lawn mower and is:*

- (A) equipped with side-by-side seating for the use of the operator and a passenger;*
- (B) designed to propel itself with at least four tires in contact with the ground;*
- (C) designed by the manufacturer for off-highway use only; and*
- (D) designed by the manufacturer primarily for utility work and not for recreational purposes.*



## What about imported mini trucks or other mini vehicles? Are these treated as off-highway vehicles?

Many of these vehicles come from Japan and are commonly referred to as Japanese Mini-Trucks or Kei class vehicles.

These mini vehicles were previously illegal to operate on public highways in Texas, however that changed in April 2024.



Prior to April 2024, the Texas Department of Motor Vehicle's [Title Manual](#) specifically addressed mini-trucks and stated that they were ineligible for title and registration in Texas due to potential lack of compliance with safety and environmental standards. Because these vehicles could not be titled and registered, operation on public roadways was a violation of Texas Transportation Code [502.472](#) (Operate Unregistered Motor Vehicle).

As of April 4, 2024, however, the Texas Department of Motor Vehicles changed their [Registration Manual](#) and their [Title Manual](#).

Now the Registration Manual reads as below:

### 12.5 Mini Vehicles

A mini vehicle includes a mini car, truck, van, and bus manufactured in a foreign country, most commonly in Japan, China, and India. Mini vehicles are required to be titled and must be registered if operated on public roadways effective April 4, 2024. The mini vehicle must pass current inspection requirements to be registered and operated on public roadways. If the surrendered evidence of ownership or supporting documentation indicates the vehicle is for off-highway use only, the vehicle is not eligible for registration. For title requirement information on Mini Vehicles, refer to the [Title Manual](#).

The [Title Manual](#) further describes the process and required documentation for titling and registering a mini-vehicle. In the Title Manual link, the process is described in section 14-2 (page 190 of the PDF document).

If the owner of a mini-vehicle has successfully completed the title and registration process, the vehicle will be issued license plates and a registration insignia like any other registered motor vehicle. There are not specific speed or roadway restrictions in this circumstance. The vehicle could be operated without restriction on public roadways in Texas just like any other registered motor vehicle.

If, however, the owner of mini-vehicle has not completed the title and registration process, operation on public roads would generally be illegal (Operate Unregistered Motor Vehicle).

## Operate OHV By Person <14 YOA Without Adult Supervision (MC)

### 551A.032 - Operation by Person Younger than 14 years of age

A person younger than 14 years of age who is operating an off-highway vehicle on public off-highway vehicle land must be accompanied by and be under the direct supervision of the person's parent or guardian or an adult who is authorized by the person's parent or guardian.

This section does not apply to private property.

Reference [551A.001\(4\)](#) - "Public off-highway vehicle land" means land on which off-highway recreation is authorized under [Chapter 29, Parks and Wildlife Code](#).

## Operate OHV On Beach, When Prohibited (MC)

### 551A.033 - Operation on Beach

A person operating an off-highway vehicle on a beach must hold and have in the person's possession a driver's license. An operator of an off-highway vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.

#### **For Beach Operation:**

- The off-highway vehicle must have a brake, muffler, and spark arrester ([551A.071](#))
- At nighttime and reduced visibility – must display a headlamp and taillamp ([551A.071](#))
- Helmet and eye protection must be used unless the vehicle is equipped with 4 wheels, bucket seats, seatbelts, and a roll bar ([551A.072](#))
- Seatbelt must be used if equipped ([551A.072](#))
- A slow-moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))
- Insurance is not required ([601.052\(a\)\(2-b\)](#))

## OHV Crossed Highway Improperly (MC)

## OHV Crossed Interstate Or Limited Access Highway Where Prohibited (MC)

### 551A.034 – Crossing Highway at Point Other Than Intersection

Off-highway vehicles should never cross an Interstate or a controlled access highway.

Off-highway vehicles can cross a divided highway only at an intersection.

Off-highway vehicles can cross other highways not described above at a point other than an intersection, but they must do the following:

- (1) bring the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- (2) yield the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) make the crossing:
  - (A) at an angle of approximately 90 degrees to the roadway;
  - (B) at a place where no obstruction prevents a quick and safe crossing; and
  - (C) with the vehicle's headlights and taillights lighted.



## Operate OHV When Prohibited (MC)

For a standalone guide on OHV operation that can be shared with other officers or the general public, see the “Off-Highway Vehicle Guidance for Law Enforcement” document the Resources area of the TRC Training Program Website: <https://txdpstrafficlaws.com/resources/>

**The Texas Transportation Code is clear – OHVs may only be operated on the highway in Texas in a manner that is specifically authorized in TRC Chapter 551A. Any public highway operation outside these boundaries constitutes the offense of Operate OHV When Prohibited.**

The term “highway” is defined in [TRC 541.301\(5\)](#) – *the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel*. The term “highway” includes all public roadways and the entire width of the right-of-way. Shoulders and the grassy ditch are included in the “highway”.

### **551A.051 – Operation on the Highway**

A person may only operate an off-highway vehicle on a highway in a manner specifically authorized by Chapter 551A.

This does not apply to the operation of an off-highway vehicle that is owned by the state, a county, or a municipality if the vehicle is registered as authorized by Section [502.140\(c\)](#).

**The following sections detail the only circumstances a person may operate an off-highway vehicle on the highway (see details over the next few pages). Operation outside these parameters is illegal:**

- 551A.033 – [on a public beach](#)
- 551A.053(a) – [In a municipality if approved by city ordinance](#)
- 551A.053(b) – [In unincorporated areas of a county if approved by county ordinance](#)
- 551A.055(1) – [in a master planned community](#)
- 551A.055(2) – [for golfing when within 2 miles of a golf course](#)
- 551A.057 – [For agricultural purposes or utility work](#)
- 551A.058 – [for law enforcement/fire/EMS purposes](#)

**Additionally, an [OHV may cross certain other highways in a specified manner](#).**

**Out-of-State OHV registration does not constitute authorization to operate on the highway outside these boundaries.** For more information on out of state OHVs, see [OHVs Registered in a Different State](#).

**OHV OPERATION ON THE BEACH**

**551A.033 - Operation on Beach**

A person operating an off-highway vehicle on a beach must hold and have in the person's possession a driver's license. An operator of an off-highway vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.



**For Beach Operation:**

- The off-highway vehicle must have a brake, muffler, and spark arrester ([551A.071](#))
- At nighttime and reduced visibility – must display a headlamp and taillamp ([551A.071](#))
- Helmet and eye protection must be used unless the vehicle is equipped with 4 wheels, bucket seats, seatbelts, and a roll bar ([551A.072](#))
- Seatbelt must be used if equipped ([551A.072](#))
- A slow-moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))
- Insurance is not required ([601.052\(a\)\(2-b\)](#))
- The operator must hold an OHV safety certificate ([551A.031](#))

**Note:** Additional equipment or operational requirements for beach operation of OHVs could be imposed by a local authority by ordinance.

<b>Enforcement Actions on the Beach</b>	
<b>Circumstance</b>	<b>Violation</b>
OHV operator does not have a driver’s license	No Driver License When Unlicensed
OHV operator does not hold safety certificate	Operate OHV Without Safety Certificate
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV operator is not using required safety belt or other safety equipment	Operate OHV Without Required Safety Apparel
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

**OHV OPERATION BY CITY OR COUNTY ORDINANCE**

**551A.053 - Operation on Public Roadway Authorized by Municipalities or Counties**

The governing body of a municipality or certain counties may allow operation of an OHV on a highway that is in the corporate boundaries of the municipality and has a posted speed limit of not more than 35 miles per hour.

**For Operation in a Municipality or County:**

- The city or county must specifically authorize the operation by ordinance
- The roadway must have a speed limit of 35 MPH or less
- The off-highway vehicle must have a brake, muffler, and spark arrester ([551A.071](#))
- At nighttime and reduced visibility – must display a headlamp and taillamp ([551A.071](#))

- Helmet and eye protection must be used unless vehicle is equipped with 4 wheels, bucket seats, seatbelts, and a roll bar ([551A.072](#))
- Seatbelt must be used if equipped ([551A.072](#))
- Driver license and insurance are required
- [Off-Highway Vehicle license plate](#) is required ([551A.052](#))
- A slow moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))

Traveling on a roadway with a speed limit greater than 35 MPH constitutes a violation of **Operate OHV When Prohibited** even in a city or county that has authorized OHV operation by ordinance.

**Only certain counties are permitted to authorized OHV operation by ordinance.** [TRC 551A.053\(b\)](#)

grants this authority to a county that:

*(1) borders or contains a portion of the Red River; (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or (3) is adjacent to a county described by Subdivision (2) and: (A) has a population of less than 37,000; and (B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.*

The following counties meet these requirements and can authorize OHV operation by ordinance: Aransas, Bowie, Calhoun, Clay, Cooke, Fannin, Grayson, Hardeman, Lamar, Matagorda, Montague, Red River, Wichita, and Wilbarger.

**Note:** Additional equipment or operational requirements may be imposed by the city or county that authorizes OHV operation by ordinance. See the authorizing ordinance for details.

<b>Enforcement Actions In a City or County that Has Approved OHV Operation by Ordinance</b>	
<b>Circumstance</b>	<b>Violation</b>
OHV operated on roadway with a speed limit of more than 35 MPH	Operate OHV When Prohibited
OHV operator does not have a driver's license	No Driver License When Unlicensed
OHV is not covered by insurance or other financial responsibility in state minimum amounts	Fail to Maintain Financial Responsibility
OHV is not displaying an OHV license plate	Operate OHV on Highway Without License Plate
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV operator is not using required safety belt or other safety equipment	Operate OHV Without Required Safety Apparel
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

## OHV OPERATION IN A MASTER PLANNED COMMUNITY OR FOR GOLFING PURPOSES

### [551A.055 - Operation Authorized in Certain Areas](#)

A city or county ordinance is not required for OHV operation under this section. OHVs may be operated on public highways in Texas in the following two circumstances:

**(1)** in a **master planned community** that has in place a uniform set of restrictive covenants and for which a county or municipality has approved a plat (“Master Planned Community” is not defined in the Transportation Code. For additional information, see [Texas Attorney General Opinion GA-0966.](#))

**(2) for transportation to or from a golf course, however:**

- Posted speed limit must be 35 MPH or less
- Operation must take place during daytime
- Operation must be not more than 2 miles from where the OHV is usually parked

**For OHV operation under this section (master planned community or for golfing purposes):**

- The off-highway vehicle must have a brake, muffler, and spark arrester ([551A.071](#))
- At nighttime and reduced visibility – must display a headlamp and taillamp ([551A.071](#))
- Helmet and eye protection must be used unless vehicle is equipped with 4 wheels, bucket seats, seatbelts, and a roll bar ([551A.072](#))
- Seatbelt must be used if equipped ([551A.072](#))
- Driver license is required if operated on a public highway ([521.021](#))
- [Off-Highway Vehicle license plate](#) is required ([551A.052](#))
- Insurance is not required ([601.052\(a\)\(2-b\)](#))
- A slow moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))

### Enforcement Actions in a Master Planned Community

**Note:** These enforcement actions pertain only to a master planned community where the roadways are publicly maintained (city/county/state maintenance). Master Planned Communities with privately maintained roadways are not regulated by the Transportation Code (i.e. roadways are maintained by the property owners or property owner’s association).

Circumstance	Violation
OHV operator does not have a driver’s license	No Driver License When Unlicensed
OHV is not displaying an OHV license plate	Operate OHV on Highway Without License Plate
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV operator is not using required safety belt or other safety equipment	Operate OHV Without Required Safety Apparel
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

**Enforcement Actions when OHV is Traveling on a Highway to/from a Golf Course for Golfing Purposes**

<b>Circumstance</b>	<b>Violation</b>
OHV operator does not have a driver's license	No Driver License When Unlicensed
OHV is not displaying an OHV license plate	Operate OHV on Highway Without License Plate
OHV is traveling more than 2 miles to/from the golf course	Operate OHV When Prohibited
OHV is being operated at nighttime to/from the golf course	Operate OHV When Prohibited
OHV is being operated on roadway with a SL greater than 35 MPH	Operate OHV When Prohibited
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV operator is not using required safety belt or other safety equipment	Operate OHV Without Required Safety Apparel
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

**OHV OPERATION FOR AGRICULTURAL OR UTILITY WORK PURPOSES**

**Operate OHV For Agricultural Or Utility Operation When Prohibited (MC)**

**[551A.057 - Agricultural or Utility Operation on Highway](#)**

The operator of an unregistered off-highway vehicle may operate the vehicle on a highway that is not an interstate or limited-access highway if the transportation is in connection with agricultural products or utility work performed by a utility, but the operation must comply with the below requirements:

**For Off-Highway Vehicle Operation under this section (Farming or Utility Work):**

- Operation is not permitted on interstate or limited-access highway
- A triangular orange flag must be displayed at least 6 feet above the ground at the back of the vehicle ([TDLR Administrative Code](#) gives further specifications for the orange flag, per [551A.059](#))
- The vehicle's headlights and taillights must be illuminated
- The operation must take place during the daytime
- The distance may not exceed 25 miles from point of origin to destination
- An Off-Highway Vehicle license plate is not required
- Helmet, eye protection, safety certification, and seatbelts are not required
- Driver license and insurance are required
- A slow-moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))

**Enforcement Actions when OHV is being Operated for Agricultural Purposes or Utility Work**

<b>Circumstance</b>	<b>Violation</b>
OHV operator does not have a driver's license	No Driver License When Unlicensed
OHV is not covered by insurance or other financial responsibility in state minimum amounts	Fail to Maintain Financial Responsibility
OHV is not displaying required triangular orange flag or is operated without headlights/taillights illuminated	Operate OHV for Agricultural or Utility Operation When Prohibited
OHV is being operated on an interstate or limited access highway	Operate OHV for Agricultural or Utility Operation When Prohibited
OHV is being operated at nighttime	Operate OHV for Agricultural or Utility Operation When Prohibited
OHV is being operated at distances greater than 25 miles	Operate OHV for Agricultural or Utility Operation When Prohibited
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

**OHV OPERATION FOR LAW ENFORCEMENT/FIREFIGHTING/EMERGENCY SERVICES**

**[551A.058 - Law Enforcement Operation](#)**

A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate an unregistered off-highway vehicle on a highway if the transportation is in connection with the performance of the operator's official duty.

**For Off-Highway Vehicle Operation under this section (Law Enforcement):**

- Operation is not permitted on interstate or limited-access highway
- A triangular orange flag must be displayed at least 6 feet above the ground at the back of the vehicle
- The vehicle's headlights and taillights must be illuminated
- The distances may not exceed 10 miles from point of origin to destination
- An Off-Highway Vehicle license plate is not required
- The off-highway vehicle must have a brake, muffler, and spark arrester ([551A.071](#))
- Helmet and eye protection must be used unless vehicle is equipped with 4 wheels, bucket seats, seatbelts, and a roll bar ([551A.072](#))
- Seatbelt must be used if equipped ([551A.072](#))
- Driver license is required
- A slow moving vehicle emblem is required if operated at 25 MPH or less ([547.703](#))



**Enforcement Actions when OHV is being Operated for LE/Fire/EMS**

Circumstance	Violation
OHV operator does not have a driver's license	No Driver License When Unlicensed
OHV is not covered by insurance or other financial responsibility in state minimum amounts	Fail to Maintain Financial Responsibility
OHV is not displaying required triangular orange flag or is operated without headlights/taillights illuminated	Operate OHV When Prohibited
OHV is being operated on an interstate or limited access highway	Operate OHV When Prohibited
OHV is not using required vehicle equipment	Operate OHV Without Required Equipment
OHV is being operated at distances greater than 10 miles	Operate OHV When Prohibited
OHV operator is not using required safety belt or other safety equipment	Operate OHV Without Required Safety Apparel
OHV is not equipped with required Slow-Moving vehicle emblem	No/Defective/Improper Slow-Moving Vehicle Emblem

**CROSSING HIGHWAYS ON AN OFF-HIGHWAY VEHICLE**

**[551A.034 – Crossing Highway at Point Other Than Intersection](#)**

Off-highway vehicles should never cross an Interstate or a controlled access highway.

Off-highway vehicles may cross a divided highway only at an intersection.

Off-highway vehicles may cross other highways not described above at a point other than an intersection, but they must do the following:

- (1) bring the vehicle to a complete stop before crossing the shoulder or main traveled roadway;
- (2) yield the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) make the crossing:
  - (A) at an angle of approximately 90 degrees to the roadway;
  - (B) at a place where no obstruction prevents a quick and safe crossing; and
  - (C) with the vehicle's headlights and taillights lighted.

**Enforcement Actions when OHV is Improperly Crossing Highways**

Circumstance	Violation
OHV did not cross in the required manner	OHV Crossed Highway Improperly
OHV crossed an Interstate or Limited Access Highway	OHV Crossed Interstate or Limited Access Highway Where Prohibited

**Operate OHV On Highway Without License Plate (MC)**

**551A.052 - Registration; License Plates**

Off-Highway Vehicles may not be registered by an individual like normal vehicles under Chapter 502 of the Transportation Code.

OHVs can, however, receive an off-highway vehicle license plate. This license plate is required to be displayed on the vehicle any time the vehicle is operated on public highways. The plate is non-expiring and can be obtained at the local tax assessor-collector’s office.



LIC 1J29 [REDACTED] EWT 0 GWT 0  
 OFF-HIGHWAY PLT, STKR REG CLASS 00 \$ 0.00 COLORADO  
 CNTY TITLE 04520040404093227 ISSUED 08/30/2010  
 ODOMETER 1 REG DT 05/07/2020  
 2011,POL,,MV [REDACTED] OFFHWY,COLOR:  
 UNK,COMM IMPED: N PRICE \$ 0.

An OHV license plate does not constitute authorization to operate the vehicle on public highways. It is simply an identifying plate that is required when the OHV is being [legally operated on the highway under one of the specific circumstances described in the TRC Chapter 551A](#).

**Exceptions:** This plate is not required when an OHV is being operated for [agricultural purposes or utility work](#) under [551A.057](#) or [for Law Enforcement/Fire/EMS purposes](#) under [551A.058](#).

Law enforcement can run this license plate number through the RTS database to identify the name and address of the vehicle’s owner.

**Enforcement Actions when OHV License Plate is Not Displayed**

Circumstance	Violation
An OHV is operating on a public highway without an OHV license plate displayed (see exceptions above)	Operate OHV on Highway Without License Plate

**Can an Off-Highway Vehicle such as a Polaris Ranger be registered under normal vehicle registration or as a motorcycle?**

**No.** Government entities may register off-highway vehicles with normal license plates and registration, but private individuals are not permitted to do so.

Vehicles such as Polaris Rangers meet the definition of a “recreational off-highway vehicle” and therefore they fall under the umbrella term “off-highway vehicles” as defined in [551A.001](#).

A vehicle such as the Polaris Ranger does not meet the definition of motorcycle or auto-cycle in the Texas Transportation Code because both of those vehicles are limited to not more than three wheels in contact with the ground.

TRC [551A.051](#) is clear that an off-highway vehicle may only be operated on a highway as provided by Chapter 551A. The definition of “highway” can be found in [541.302\(5\)](#) and refers to all publicly maintained ways open to the public for vehicular travel. This includes everything from city streets and county roads to Interstate highways. The only time an off-highway vehicle may be operated on a public road is under a specific provision of Chapter 551A:

- 551A.033 – on a public beach
- 551A.053(a) – In a municipality if approved by city ordinance
- 551A.053(b) – In unincorporated areas of a county if approved by county ordinance
- 551A.055(1) – in a master planned community
- 551A.055(2) – for golfing when within 2 miles of a golf course
- 551A.057 – For agricultural purposes or utility work
- 551A.058 – for law enforcement/fire/EMS purposes

In each situation above, Chapter 551A describes additional requirements such as safety apparel, certain vehicle equipment, maximum roadway speed limits, daylight requirements, license and insurance requirements, etc (follow links for details). Operation of an off-highway vehicle on a public roadway outside the above parameters is a violation of the Texas Transportation Code.

[551A.052](#) states that the Texas Department of Motor Vehicles may not register an off-highway vehicle for operation on a highway regardless of whether any design alterations have been made to the vehicle. This section goes on to authorize the issuance of [off-highway vehicle license plates](#) that are required to be displayed on off-highway vehicles when operated on the highway in most of the situations described above. It is important to note that this license plate is to identify the off-highway vehicle and does not constitute normal motor vehicle registration as described in 502.040. The off-highway vehicle license plate is not validated by a registration sticker and does not expire. This license plates clearly states “Off-Highway” on the plate itself.

At times, individuals have sought to change the title on their off-highway vehicle to a motorcycle or auto-cycle title so that the off-highway vehicle can be registered for unrestricted operation on the highway. Additionally, some individuals have registered their off-highway vehicle as a motorcycle in a different state and then attempted to transfer registration to Texas under the guise of reciprocity. As mentioned above, Polaris Rangers and other similar types of vehicles do not meet the definitions of “motorcycle” or

“auto-cycle” in the Texas Transportation Code because both vehicles are limited to having not more than three wheels in contact with the ground. These vehicles are specifically defined as off-highway vehicles in the Transportation Code based on the manufacturer’s intent that they be off-highway vehicles. A change in vehicle title or registration in a different state does not change the original manufacturer’s intent for the vehicle. The manufacturer’s intent is clear because these vehicles come from the manufacturer with “off-highway” designations on the title.

In September of 2020, THP Sergeant Scott Hewitt received the below e-mail from a Trooper in Hood County, Texas:

Good afternoon I am stationed in Hood County. I ran into a situation that I yet to come across with an OHV operating on a public roadway. This OHV was a Polaris Ranger, when I approached the OHV it had a plate that would appear to be on a motorcycle and or autocycle. This is how the read back on mobile cad read.

16798429  
REGX.TXMVDW000.19X1.  
TXT  
LIC [REDACTED] AUG/2021 OLD # [REDACTED] AUG/2020 EWT 0 GWT 0  
MOTORCYCLE PLT, STKR REG CLASS 02 \$ 53.25 HOOD CNTY  
TITLE 11100043709113811 ISSUED 09/11/2019 ODOMETER 1 REG DT 09/15/2020  
2019,POLR,RGR,MV,[REDACTED],MTRCYCLE,COLOR: WHI/BLK,COMM IMPED: N PRIC  
PREV TTL: JUR TX TTL # 11130343421100520 ISSUE 11/26/2018  
PREV OWN [REDACTED]  
OWNER [REDACTED]  
[REDACTED]  
LIEN [REDACTED]  
PLATE AGE: 1 LAST ACTIVITY 09/16/2020 RENEW OFC: 111  
REMARKS ACTUAL MILEAGE.DATE OF ASSIGNMENT:2019/09/03.PAPER TITLE.DUPLICATE R

The driver stated that the registration office told him that he could fill out a form and send his title to Austin and request that the Off-Highway portion be taken off the title. He followed the registration offices guidance and brought the title back to them and they issued this plate. My question is, is this correct?

Sgt. Hewitt contacted the Texas DMV regarding the off-highway vehicle registered as motorcycle rather than an off-highway vehicle. He received the following response from Clint Thompson, Chief of the Texas DMV Title Services:

Good afternoon.

The practice referenced below is not approved by the TxDMV. A Polaris Ranger meets the definition of an off-highway vehicle. As a result, it is required to be titled and ineligible for registration. The training being provided is consistent with the TxDMV's administration of Transportation Code, Section 502.140 and Chapter 551A. The original title issued to the vehicle properly indicated it was an off-highway vehicle. A subsequent title application was filed with the county tax office in conjunction with a Vehicle Inspection Report, indicating the vehicle passed inspection as a motorcycle. I assume that is the basis for the county incorrectly changing the title from an off-highway vehicle and issuing registration as a motorcycle.

We will notify the owner the title is revoked and the registration is invalid and will also follow up with the county that processed the transaction. We appreciate any assistance you can provide on the inspection side to prevent these type of vehicles from being inspected as a motorcycle.

Respectfully

**Clint Thompson** || Chief of Title Services  
Texas Department of Motor Vehicles

The response from the Texas Department of Motor Vehicles is clear – a vehicle such as a Polaris Ranger is an off-highway vehicle and should not be registered for normal highway operation. Any change in the vehicle's title seeking to circumvent the off-highway designation is not sanctioned by the Texas DMV and county tax offices should not be registering these types of vehicles for normal highway operation.

The operator of an off-highway vehicle operating with a Texas motorcycle license plate or otherwise operating under regular vehicle registration should be charged with [Operate OHV When Prohibited](#) if they are found to be operating outside the parameters of TRC Chapter 551A.

### OHVs Registered in a Different State

Unlike Texas, some states permit the registration of off-highway vehicles for normal on-road use. When OHV owners from these states bring their vehicle to Texas, they often attempt to operate on the highways in this state.

Additionally, many Texas residents attempt to register their OHVs in a different state and claim inter-state reciprocity agreements allow them to then operate the vehicles on the highway in Texas.

**Neither of these circumstances permit the operation of OHVs on public roadways in Texas.**

Some websites advertise the ability to make any vehicle street legal in any state, including Texas. These websites charge a fee to facilitate registration of an OHV in South Dakota, Montana, or some other state that permits OHV registration. Some go so far as to set up an LLC in the state of registration so the OHV can be registered to an entity in that state.


Law enforcement officers frequently encounter Texas residents operating OHVs on public roadways with out-of-state license plates. The operators of these vehicles believe that the registration reciprocity between Texas and the state their OHV is registered requires that they be allowed to operate their vehicle on the highway in Texas without restriction. This is incorrect and these operators are committing the offense of **Operate OHV When Prohibited**.

Texas does generally extend registration reciprocity to vehicles registered in other states, however this reciprocity is described in the [TRC 502.145](#). An important component of this reciprocity is described in subsection (c), which states: *The privileges provided by this section may be allowed only if, under the laws of the appropriate state or country, similar privileges are granted to vehicles registered under the laws of this state and owned by residents of this state.* Texas does not grant similar privileges to OHVs registered in Texas.

Additionally, a law enforcement officer who issues a citation for **Operate OHV When Prohibited** to a person operating an OHV that is registered out of state is not alleging a vehicle registration violation. The charge is filed under [TRC 551A.051](#), which states that OHVs may only be operated on the highway in Texas in very specific circumstances. An OHV registered out of state still meets the definition of an OHV in Texas. These definitions are not dependent on how a vehicle is registered or where a vehicle is registered. The definitions for the various types of OHVs in [TRC 551A.001](#) are based on the manufacturer of the vehicle. These vehicles are intended for off-highway use by the manufacturer, as is evidenced by the “Off-Highway” designation on the original Manufacturer’s Certificate of Origin. Registration reciprocity has nothing to do with a violation of TRC Chapter 551A.

### Select Your UTV Street Legal Service


Read about the differences below



**Montana Registration with Montana LLC**

GET STARTED

(Recommended. Cannot be financing)  
\$1,295 and up based on your proof of ownership. **No sales tax in Montana.**



**South Dakota Registration**

GET STARTED

\$499 and up based on your proof of ownership. 4% sales tax will be due if you haven't already paid it. We will need proof of tax.

**A website advertises “street legal” services by registering off-highway vehicles in Montana or South Dakota regardless of where the owner actually lives. Participating in this service does not make an OHV street legal in Texas.**



## Operate OHV Without Required Equipment (MC)

### [551A.071 – Required Equipment; Display of Lights](#)

An off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway must be equipped with:

- 1) a brake system
- 2) a muffler system
- 3) a spark arrester

An off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway must display a lighted headlight and taillight during the period from one-half hour after sunset to one-half hour before sunrise (nighttime as defined in [541.401](#)) and at any time when visibility is reduced because of insufficient light or atmospheric conditions.

It is a violation to operate an off-highway vehicle on public off-highway vehicle land, a beach, or a highway if the vehicle has an **exhaust system that has been modified with a cutout, bypass, or similar device** or the **spark arrester has been removed or modified**.

## Operate OHV Without Required Safety Apparel (MC)

### [551A.072 – Safety Apparel Required](#)

A person operating or riding on an off-highway vehicle on public off-highway vehicle land, a beach, or a highway must:

- wear a DOT approved safety helmet
- wear eye protection
- use seat belts if the vehicle is equipped with seat belts

The helmet and eye protection requirements above do not apply to a motor vehicle that has **four wheels, is equipped with bench or bucket seats and seat belts, and includes a roll bar or roll cage**.

**Note:** For seatbelt violations, the offense should be filed under this section, not as a normal safety belt violation in [545.413](#). An off-highway vehicle does not fall under the definition of a “passenger vehicle” as described for normal safety belt offenses.

**Other exclusions:** The operator of an off-highway vehicle used for agricultural or utility work under [551A.057](#) is not required to utilize the safety equipment described in this section.

## Reckless OHV Operation (MC)

### [551A.073 - Reckless or Careless Operation Prohibited](#)

A person may not operate an off-highway vehicle on public off-highway vehicle land or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

This section is specific to operation on public off-highway vehicle land ([551A.001](#)) or a beach. What about reckless off-highway vehicle operation on the highway? The operator can be charged with “Reckless Driving” just like any other vehicle.

**Note:** Just like the offense of reckless driving, an officer should be able to articulate what was careless or reckless about the off-highway vehicle operation when filing this charge.

## Operate OHV With Passenger, When Not Equipped For Passengers (MC)

### [551A.074 - Carrying Passengers](#)

A person may not carry a passenger on an off-highway vehicle operated on public off-highway vehicle land, a beach, or a highway unless the vehicle is designed by the manufacturer to transport a passenger.

See also: **OHV Guidance for Law Enforcement** standalone document at the [TRC Training Program Website](#).

Off-Highway Vehicle Quick Reference Page

Off-Highway Vehicles §551A.001 (All Terrain Vehicles, Recreational Off-Highway Vehicles, Sand Rails, and Utility Vehicles)

		Operational Restrictions and Requirements			
Authority of Operation	DL §551.021 <sup>A</sup> §551A.002(a) <sup>#</sup> §551A.031(b) <sup>†</sup>	Insurance §601.051 <sup>A</sup> §601.052(b) <sup>#</sup> §601.007 <sup>‡</sup>	Equipment §551A.071 <sup>A</sup> §551A.052(b) <sup>#</sup> §551A.058 <sup>‡</sup> §551A.057(c) <sup>#</sup> §547.703(d) <sup>#</sup>	Apparel §551A.072	Specifications of Operation
Private Property	No	No	<ul style="list-style-type: none"> <li>None</li> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>Transportation code has limited applicability on private property.</li> <li>Must be operated in accordance with Chapter 29, Parks and Wildlife Code</li> <li>Operator must hold a safety certificate, be under the direct supervision of a certified off-highway vehicle safety instructor, or be under the direct supervision of an adult who holds a safety certificate per §551A.031(b)</li> <li>TPWD OHV Decal Required per PW §29.003</li> </ul>
Public Off-Highway Vehicle Land §551A.031	No <sup>B</sup>	No <sup>B</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>Operation permitted on a beach open to motor vehicle traffic</li> <li>Operator must hold a safety certificate, be under the direct supervision of a certified off-highway vehicle safety instructor, or be under the direct supervision of an adult who holds a safety certificate per §551A.031(b)</li> </ul>
Public Beach §551A.033	Yes <sup>C</sup>	No <sup>B</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>Master planned community with restrictive covenants and an approved plat; or</li> <li>On a highway with a speed limit of not more than 35 mph, during daytime, not more than 2 miles from where it is parked, for transportation to and from a golf course</li> </ul>
Golfing or in a Master Planned Community §551A.055	Yes <sup>A</sup>	No <sup>B</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> <li>OHV License Plate<sup>B</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>When approved for operation in a municipality, may operate on a highway with a speed limit of not more than 35 miles per hour only within that municipality</li> </ul>
In a Municipality §551A.053(a)	Yes <sup>A</sup>	Yes <sup>A</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> <li>OHV License Plate<sup>B</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>When approved by certain specific counties, may operate on a highway with a speed limit of not more than 35 mph only within unincorporated parts of that county</li> </ul>
In Unincorporated Areas of Certain Counties §551A.053(b)	Yes <sup>A</sup>	Yes <sup>A</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlight and Taillight at Night or Reduced Visibility<sup>A</sup></li> <li>OHV License Plate<sup>B</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>When approved by certain specific counties, may operate on a highway with a speed limit of not more than 35 mph only within unincorporated parts of that county</li> </ul>
Farming or Utility Work §551A.057	Yes <sup>A</sup>	Yes <sup>A</sup>	<ul style="list-style-type: none"> <li>Headlights and Taillights Turned On<sup>D</sup></li> <li>Orange Triangle Flag<sup>D</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Exempt per §551A.057(c)</li> </ul>	<ul style="list-style-type: none"> <li>Daytime operation only</li> <li>Not on Interstate or limited-access highway</li> <li>May not exceed 25 miles from point of origin</li> </ul>
Law Enforcement §551A.058	Yes <sup>A</sup>	No <sup>C</sup>	<ul style="list-style-type: none"> <li>Brake, Muffler, and Spark Arresters<sup>A</sup></li> <li>Headlights and Taillights Turned On<sup>C</sup></li> <li>Orange Triangle Flag<sup>C</sup></li> <li>At Speeds 525 mph, Slow Moving Vehicle Emblem<sup>E</sup></li> </ul>	<ul style="list-style-type: none"> <li>Helmet, Eye Protection, and Seat Belts (if equipped); or</li> <li>Four Wheels, Roll Bar or Roll Cage, and Seat Belts</li> </ul>	<ul style="list-style-type: none"> <li>Operated by peace officer, firefighter, ambulance, or EMS provider</li> <li>May not exceed 10 miles from origin to destination</li> <li>Used in connection with official duties</li> </ul>

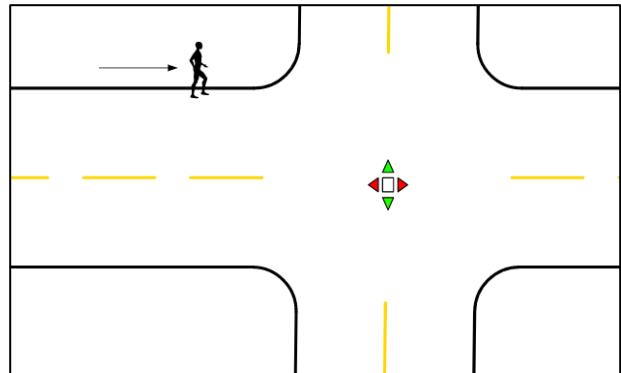
**Disregard Red Signal-Traffic Light(Pedestrian) (MC)**

**Disregard Yellow Signal-Traffic Light(Pedestrian) (MC)**

**552.001 - Traffic-Control Signals**

Pedestrians walking along roadways must comply with the red and green traffic signals for other traffic on that roadway. A pedestrian facing a steady red or yellow signal may not enter a roadway. If a special pedestrian control signal is present, that signal controls the pedestrian's movement.

The pedestrian is required to stop for this red light just like all other traffic traveling on the same highway is required to stop for the red light (the only exception is if the pedestrian has a specific pedestrian control signal to cross at a crosswalk).



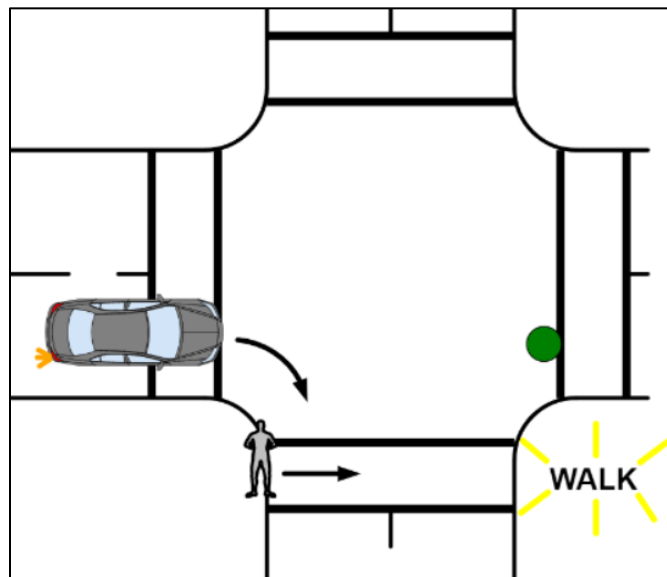
**Fail To Yield ROW To Pedestrian At Signal Intersection (MC)**

**Disregard Pedestrian Control Signal (MC)**

**552.002 - Pedestrian Right-of-Way if Control Signal Present**

A pedestrian must comply with a pedestrian crossing signal if present. If a pedestrian signal indicates "Walk" the pedestrian may proceed across the roadway and vehicles must yield the right of way to the pedestrian.

In this example, the pedestrian has the ROW even though the vehicle is turning right on a green light.



A pedestrian may not begin crossing when the “Don’t Walk” (solid red hand) or the “Wait” (flashing red hand) signals are present. If the pedestrian has already partially crossed when the wait signal is displayed, they should proceed to a sidewalk or safety island.

Pedestrians crossing in a crosswalk shall proceed in the right half of the crosswalk if possible (see [552.004](#)). This simply facilitates the flow of pedestrian traffic in the crosswalk as pedestrians cross from opposite sides of the street.



**Fail To Yield ROW To Pedestrian In Crosswalk-No Signals (MC)**

**Pass Vehicle Stopped For Pedestrian (MC)**

**[552.003 - Right-of-Way at Crosswalk](#)**

The operator of a vehicle shall yield the right-of-way to a pedestrian crossing a roadway in a crosswalk if no traffic control signal is in place or in operation and the pedestrian is on the half of the roadway in which the vehicle is traveling or approaching so closely from the opposite half of the roadway as to be in danger.

**Note:** This applies to any crosswalk, not just crosswalks at intersections.

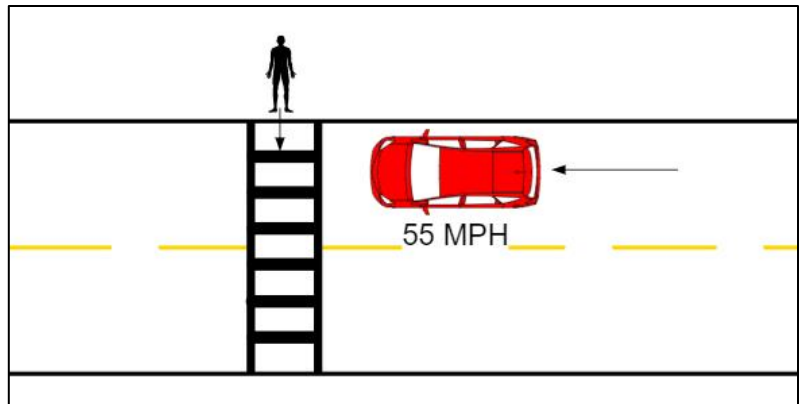
The operator of a vehicle approaching from the rear of a vehicle that is stopped at a crosswalk to permit a pedestrian to cross a roadway may not pass the stopped vehicle.

**Pedestrian Entering Path Of Vehicle (MC)**

**[552.003 - Right-of-Way at Crosswalk](#)**

Although pedestrians are given ROW in crosswalks, a pedestrian may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to yield.

**Example:** Although pedestrians have the ROW in a crosswalk, this pedestrian may not enter the crosswalk from a place of safety when the vehicle is in such close proximity that it is impossible for the vehicle operator to yield.



## Fail To Yield For Blind/Incapacitated Person (MC)

### 552.003 - Right-of-Way at Crosswalk

(d) There is a specific offense if a vehicle operator's failure to yield ROW to a pedestrian in a crosswalk results in serious bodily injury or death to a visually impaired or disabled person. The fine is increased to a maximum of \$500 and the offender will also be required to complete 30 hours of community service to an organization that primarily serves visually impaired or disabled persons. A portion of this community service must include sensitivity training.

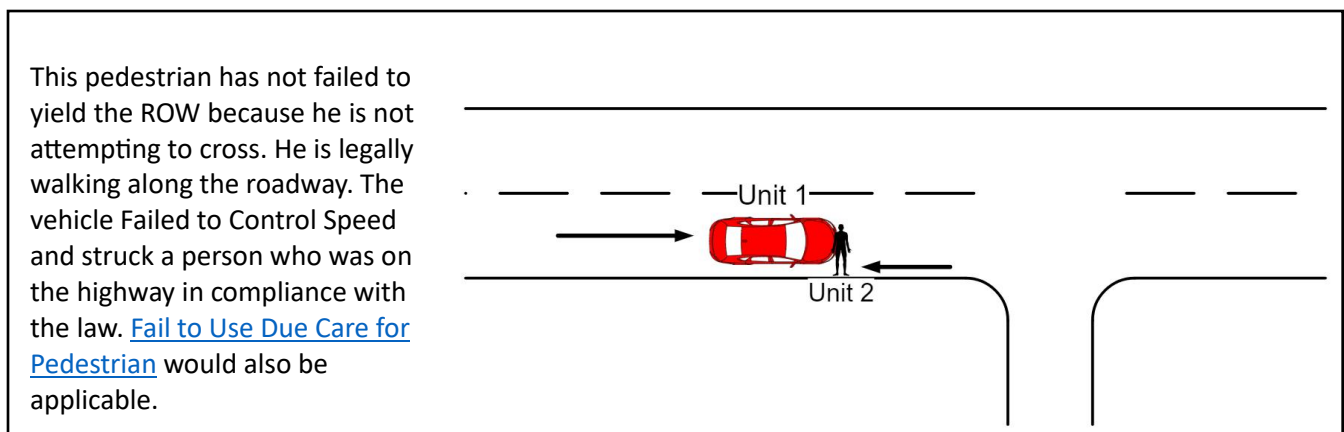
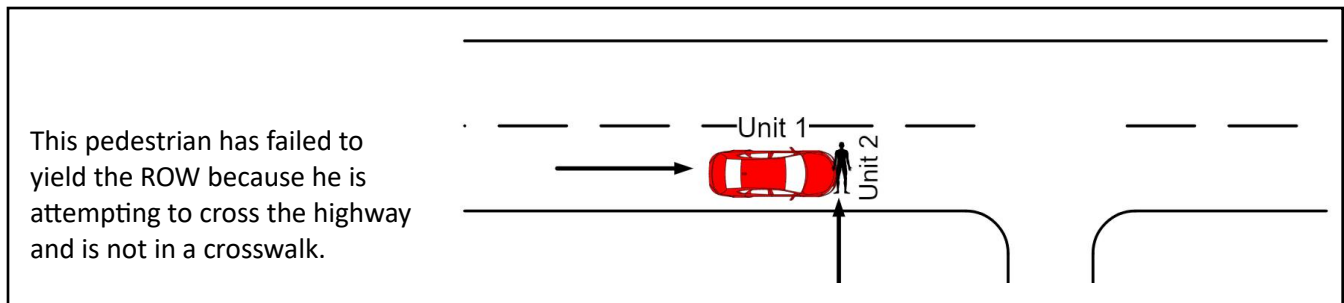
"Visually impaired" and "disabled" are defined in [552.003\(e\)](#) - For the purposes of this section: (1) "Visually impaired" has the meaning assigned by Section 91.002, Human Resources Code. (2) "Disabled" means a person who cannot walk without the use or assistance of: (A) a device, including a brace, cane, crutch, prosthesis, or wheelchair; or (B) another person.

## Pedestrian Fail To Yield ROW To Vehicle-Not At Crosswalk (MC)

### 552.005 - Crossing at Point Other Than Crosswalk

If a pedestrian is attempting to cross a roadway at a place other than a marked crosswalk or unmarked crosswalk at an intersection the pedestrian is required to yield the right of way to a vehicle on the highway. This offense is commonly used in crash investigation when a pedestrian is struck while attempting to cross the road.

**Note:** This offense is specific to a pedestrian crossing a highway. It would not apply to a pedestrian who is walking along a highway. A pedestrian who is struck by a vehicle while legally walking in a roadway has not committed this offense.

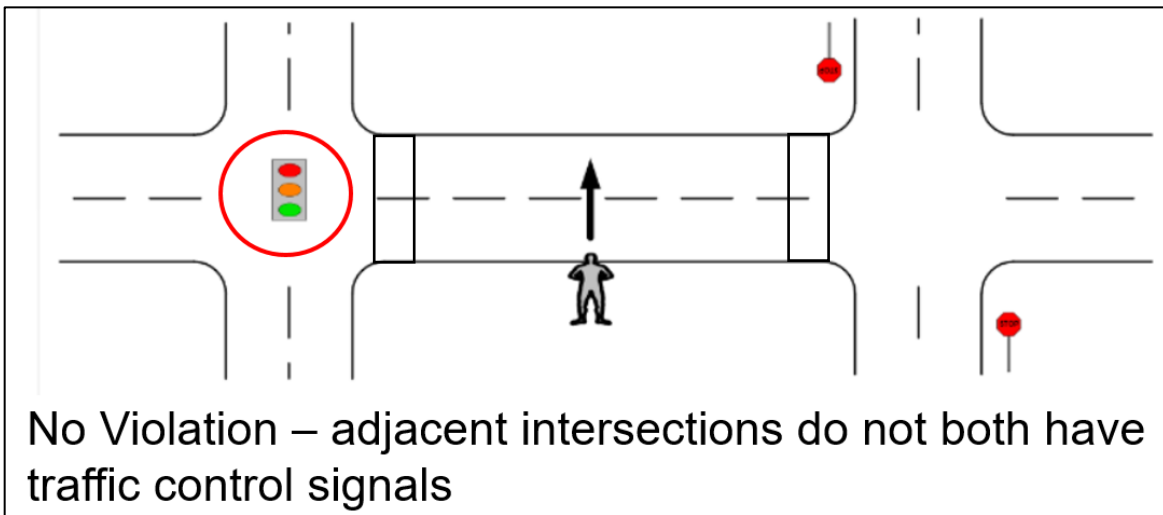
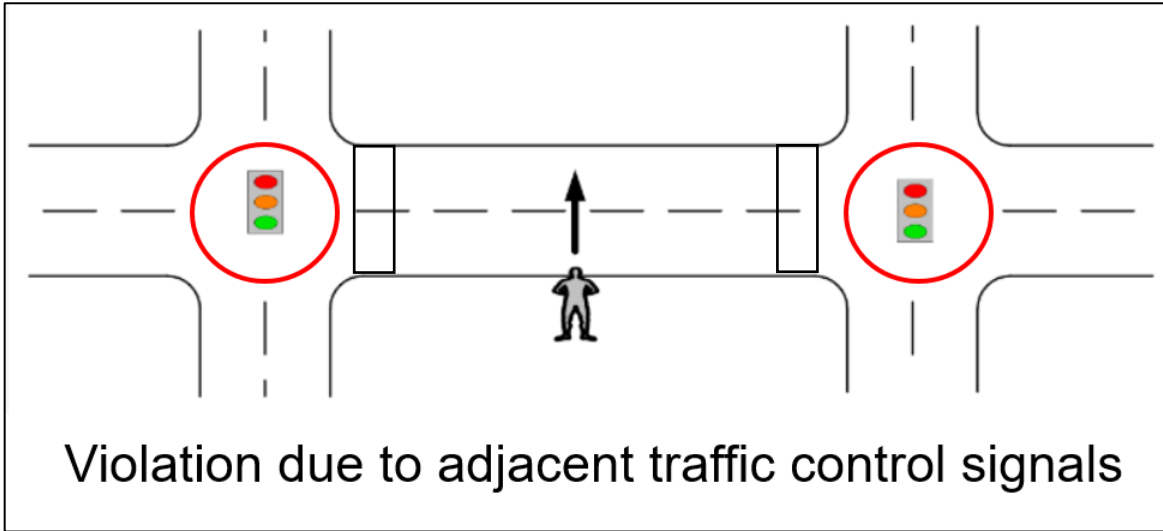




**Jaywalking – Pedestrian Crossed Between Adjacent Intersections with Traffic Control Signals (MC)**

**552.005 - Crossing at Point Other Than Crosswalk**

If a pedestrian is crossing a roadway between adjacent intersections that both have traffic control signals, a pedestrian may only cross in a crosswalk (failure to do so is commonly called “jaywalking” – but note both adjacent intersections must have a traffic control signal before this is a violation).

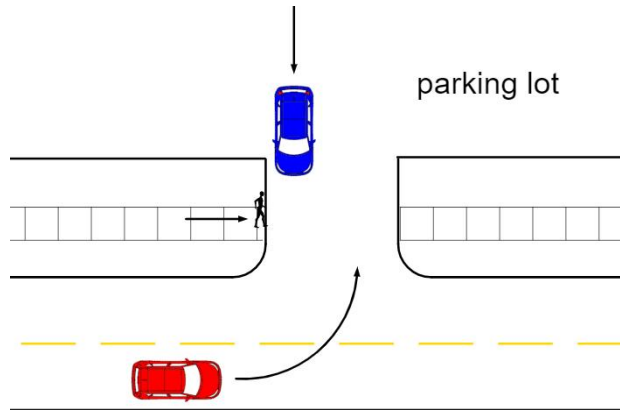


**Fail To Yield ROW To Pedestrian On Sidewalk- Vehicle Emerging From Or Entering Ally (MC)**

**552.006 - Use of Sidewalk**

(c) The operator of a vehicle emerging from or entering an alley, building, or private road or driveway shall yield the ROW to a pedestrian approaching on a sidewalk extending across the alley, building entrance or exit, road, or driveway.

In this example, both vehicles must yield the ROW to the pedestrian crossing the parking lot entrance on a sidewalk or sidewalk area.



**Walk On Roadway Where Sidewalks Provided (MC)**

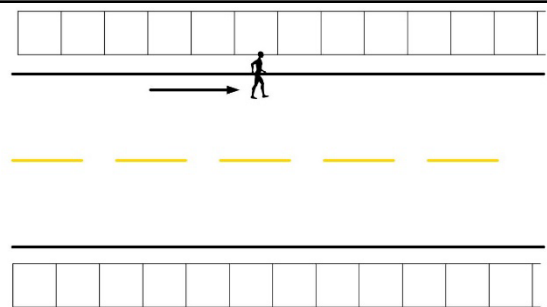
**Pedestrian Failed to Walk on Left Side of Highway (No Sidewalks) (MC)**

**552.006 - Use of Sidewalk**

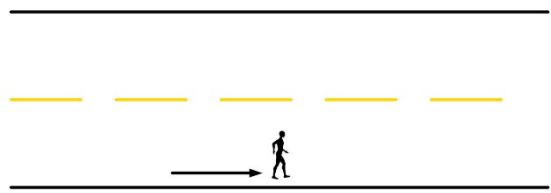
If a sidewalk is available, a pedestrian is required to walk on the sidewalk rather than in the roadway. If a sidewalk is not available, pedestrians may walk along or in the roadway but must walk on the left side of the roadway or shoulder facing traffic unless that area is obstructed or unsafe.

**Reference** [541.302\(16\)](#) – Definition of sidewalk – means the portion of a street that is: (A) between a curb or lateral line of a roadway and the adjacent property line; and (B) intended for pedestrian use.

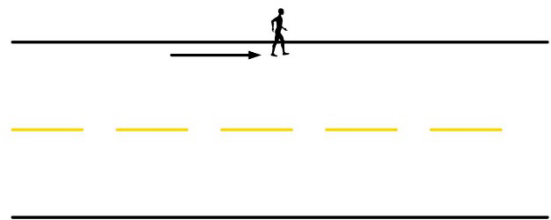
In this diagram, the pedestrian in violation for walking on the roadway when a sidewalk is available.



In this diagram, the pedestrian is in violation for walking with traffic. He is allowed to walk in the roadway because there is no sidewalk, but he must walk on the left side facing approaching traffic.



In this diagram, the pedestrian is legally walking in the roadway on the left side facing approaching traffic. No violation.



### Stood In Roadway to Solicit Ride, Contributions, Employment, Business (MC)

#### 552.007 - Solicitation by Pedestrians

A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.

**Note:** This section does not apply to a panhandler on the sidewalk or shoulder. A person only commits an offense if soliciting a charitable contribution while standing in the roadway (defined in [541.302](#)).

**IMPORTANT:** Although this section remains in the law books, several courts have held that it is unconstitutional on the grounds of a 1<sup>st</sup> Amendment violation. Guidance from the Texas DPS Office of General Counsel was e-mailed to THP Transportation Code instructors on 7/14/2023 after dialogue about the constitutional challenges to this law. DPS personnel are discouraged from taking enforcement action under 552.007. See e-mail guidance below:

**From:** Guerrero, Raphael A <[Raphael.Guerrero@dps.texas.gov](mailto:Raphael.Guerrero@dps.texas.gov)>

**Sent:** Wednesday, June 14, 2023 8:07 PM

**To:** Hewitt, Scott <[Scott.Hewitt@dps.texas.gov](mailto:Scott.Hewitt@dps.texas.gov)>

**Cc:** Schulze, Paul <[Paul.Schulze@dps.texas.gov](mailto:Paul.Schulze@dps.texas.gov)>

**Subject:** RE: Enforcement of TRC 552.007

Sgt. Hewitt:

*Although no Texas appellate court has so found, Transportation Code § 552.007 (“552.007”) is unconstitutional. Only one Texas case, Henderson v. State, attached, mentions the statute, despite 552.007 being in effect since 1995. That no criminal defendant has challenged 552.007’s constitutionality suggests that 1) law enforcement rarely enforces the statute and/or 2) those cited have just paid the fine, never questioning the statute’s validity. In Henderson v. State, the Twelfth Court of Appeals, in an unpublished opinion (that has no precedential value), was NOT asked to address the statute’s constitutionality. Instead, the Court addressed the defendant’s detention and concluded that 552.007’s potential violation provided the officer the reasonable suspicion necessary to detain the defendant. If Henderson had challenged the statute’s constitutionality, the Court’s holding would have probably been different.*

*As you have previously noted, various Federal judges and, in one case, the United States Fifth Circuit, have addressed 552.007's constitutionality in the context of civil challenges to municipalities enforcing 552.007 and/or like ordinances in various circumstances. See attached Gbalazeh v. City of Dallas, Jornaleros De Las Palmas v. City of League City, Houston Chronicle Publ. Co. v. City of League City, and Watkins v. City of Arlington. In one case, Gbalazeh v. City of Dallas, the Federal Judge afforded the Texas Attorney General's Office ("OAG") an opportunity to defend 552.007's constitutionality before finding it unconstitutional. That the OAG never intervened and the City of Dallas did not appeal the Federal Judge's order speak volumes.*

*Please discourage Department personnel from enforcing 552.007 because if the statute were challenged by a criminal defendant, I am confident any Texas appellate court would find it unconstitutional for the reasons outlined in the attached Federal cases and the OAG opinion, dm0367. I would also discourage Department personnel from using 552.007's potential violation as reasonable suspicion, alone, to detain someone. Absent other reasonable suspicion, probable cause, or other lawful attenuation, any detention based on a 552.007 violation that resulted in any evidence being obtained would likely be suppressed if 552.007's constitutionality were challenged.*

*Thanks for bringing this issue to my attention. Let me know if you have any other questions.*

**Raphael A. Guerrero**  
Assistant General Counsel  
Texas Department of Public Safety  
512-424-0915

### **Fail To Use Due Care for Pedestrian (MC)**

#### **552.008 - Drivers to Exercise Due Care**

Although vehicles generally have the ROW over pedestrians crossing the roadway outside of crosswalks, the operator of a vehicle is required to exercise due care to avoid colliding with a pedestrian on a roadway. Vehicles shall give warning by sounding the horn and shall exercise proper precaution on observing a child or an obviously confused or incapacitated person on a roadway.

To file this offense, officers should be able to articulate that the driver should have reasonably been able to see and avoid a pedestrian in the roadway and failed to do so. Considerations such as vehicle speed, visibility, other traffic, and pedestrian activity should be considered.

**Remember:** A pedestrian walking in the roadway on the left side facing traffic when there is no sidewalk present is legally walking in the roadway and motor vehicles are obligated to avoid them.

**Fail To Maintain Financial Responsibility (MC)**

**Fail To Maintain Financial Responsibility With Previous Conviction (MC)**

**601.191 - Operate Without Proof of Financial Responsibility**

It is a violation to operate a motor vehicle in Texas without maintaining one of the accepted forms of financial responsibility. An offense under this section is a misdemeanor punishable by a fine of not less than \$175 or more than \$350. If a person has been previously convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$350 or more than \$1,000.

A citation issued for an offense under this section must include an affirmative indication that the peace officer was unable at the time of the alleged offense to verify financial responsibility for the vehicle through the verification program database.

**The remainder of this section will answer four important questions:**

- What is Financial Responsibility?
- Who must maintain Financial Responsibility?
- Who is excepted from this requirement?
- What is acceptable evidence or proof of financial responsibility?

**What is Financial Responsibility?**

601.002(3) - "Financial responsibility" means the ability to respond in damages for liability for a collision that: (A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and (B) arises out of the ownership, maintenance, or use of a motor vehicle.

601.051 describes **five acceptable methods of maintaining financial responsibility:**

- (1) a motor vehicle liability insurance policy
  - This is the most common form of financial responsibility
  - The policy must comply with Chapter 601, Subchapter D (minimum coverage amounts)
- (2) a surety bond filed under Section 601.121;
  - Motorist that maintain this form of financial responsibility should have a certificate of compliance to display roadside.
- (3) a deposit under Section 601.122;
  - This is a \$55,000 cash deposit with the state comptroller to meet liabilities after a crash.
  - Motorists that maintain this form of financial responsibility should have a certificate of deposit stating that they are in compliance for financial responsibility.
- (4) a deposit under Section 601.123;
  - This is a \$55,000 cash deposit with the county judge to meet liabilities after a crash.
  - Motorists that maintain this form of financial responsibility should have a certificate of deposit stating that they are in compliance for financial responsibility.
- (5) self-insurance under Section 601.124.

- To qualify for self-insurance, the person/company must own more than 25 vehicles and must demonstrate satisfactory evidence to the department that the person has and will continue to have the ability to pay judgements obtained against the person.
- Motorists that maintain this form of financial responsibility should have a certificate of self-insurance to display roadside.

**IMPORTANT:** There are five acceptable forms of maintaining financial responsibility. If an officer asks for a person's "insurance" roadside and the person has no insurance, the officer should ask if the person has any other means of proving financial responsibility before taking enforcement action, as "insurance" only represents one of the five types of financial responsibility. **Case Law - [Sanchez v. State \(Texas Court of Appeals\) 137 S.W.3d 860 \(2004\)](#)** – Sanchez was convicted for failure to maintain financial responsibility, however his conviction was overturned because the officer only asked him for proof of insurance. When Sanchez did not have proof of insurance, the officer did not ask about any of the other methods of proving financial responsibility. The court held that the officer did not have probable cause to file the charge after only asking about one of the five methods of maintaining financial responsibility.

### **Who must maintain Financial Responsibility?**

[601.051](#) - A person may not operate a motor vehicle in this state unless they maintain financial responsibility under this chapter.

**Note:** The requirement to maintain financial responsibility is not limited to vehicles being operated on a highway/public roadway. The requirement is for any motor vehicle operated in Texas. If an officer is working a crash in a parking lot or on a private road and one of the motorists is operating without financial responsibility the officer can take enforcement action.

"Motor Vehicle" as it applies to this section is defined in [601.002](#) - "*Motor vehicle*" means a self-propelled vehicle designed for use on a highway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails.

*The term does not include:*

- (A) a traction engine;
- (B) a road roller or grader;
- (C) a tractor crane;
- (D) a power shovel;
- (E) a well driller;
- (F) an implement of husbandry; or
- (G) an electric personal assistive mobility device, as defined by Section 551.201 (Segway).

### **Who is excepted from the requirement to maintain financial responsibility?**

1. The vehicle types excluded from the definition of "motor vehicle" (letters A – G on the list above) are not considered to be motor vehicles for the purposes of chapter 601 and therefore are not required to maintain financial responsibility.

2. Government owned vehicles are not required to maintain financial responsibility (see [601.007](#)). The logic here is that the government has the financial means to meet liability judgements incurred when a government owned vehicle causes a crash, therefore additional financial coverage is unnecessary.



3. [601.052](#) describes numerous additional **vehicles that are not required to maintain financial responsibility**:

- (1) a **former military vehicle** or is at least 25 years old (as defined in [504.502\(i\)](#)) and that is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation and for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as allowed.
- (2) a **neighborhood electric vehicle** that is operated **only** as authorized by Section [551.304](#) (in a master planned community, on a beach, or when used as a golf cart while golfing within 2 miles of the golf course). **Note:** Neighborhood Electric Vehicles used for other purposes must maintain financial responsibility.
- (2-a) a **golf cart** that is operated **only** as authorized by Section [551.403](#) (in a master planned community, on a beach, or while golfing within 5 miles of the golf course). **Note:** Golf Cart operation for other purposes (in a county or municipality that has authorized golf cart operation in their jurisdiction by ordinance) must maintain financial responsibility.
- (2-b) an **off-highway vehicle** that is operated **only** as authorized by [Subchapter C, Chapter 551A](#) (on public off-highway vehicle land or a beach), or Section [551A.055](#) (in a master planned community or when used as a golf cart while golfing within 2 miles of the golf course). **Note:** Off-Highway vehicle operation for other purposes (agricultural, utility work, within municipalities or counties that have authorized operation) must maintain financial responsibility.
- (3) a motor vehicle operated for a volunteer fire department the title of which is held in the name of a volunteer fire department.

**What is acceptable evidence of financial responsibility?**

When an operator is required to demonstrate compliance with the requirement to maintain financial responsibility to a peace officer, proof can take the form of any of the items described in [601.053\(a\)\(1\) – \(a\)\(7\)](#):

- (1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D;
- (2) a standard proof of motor vehicle liability insurance form/card;
- (2-a) an image displayed on a wireless communication device that includes the required information;
- (3) an insurance binder that confirms the operator is in compliance;
- (4) a surety bond certificate issued under Section [601.121](#);
- (5) a certificate of a deposit with the comptroller covering the vehicle issued under Section [601.122](#);
- (6) a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section [601.123](#); or
- (7) a certificate of self-insurance covering the vehicle issued under Section [601.124](#).

**Important:** Police officers may not take enforcement action for failure to maintain financial responsibility until they have attempted to establish evidence of financial responsibility by running the vehicle through the verification database ([601.053\(c\)](#)).

**DPS Policy** – “Unconfirmed” status in the insurance database shall not be used as reasonable suspicion/probable cause for a traffic stop. **Discussion:** Although some case law indicates a stop can be

made for “unconfirmed” status, the Department recognizes that there are numerous instances where a vehicle is properly insured but shows “unconfirmed” (commercial policies, recently written policies, other forms of financial responsibility aside from insurance policies, etc.) and therefore prohibits traffic stops on this basis by policy (THP Manual, Chapter 5, 05.09.04).

[Reference Penal Code 37.10](#) – Tampering with Governmental Record – an appropriate criminal charge if proof of financial responsibility is falsified.

### What about Excluded Drivers?

TEXAS LIABILITY INSURANCE CARD			
COMPANY Santa Fe Auto Insurance Company	EFFECTIVE DATE 01/02/09		COMPANY PHONE 888-886-3370
POLICY NUMBER 19-09508	EXPIRATION DATE 03/04/09	VEHICLE IDENTIFICATION NUMBER KNAGD [REDACTED]	
YEAR MAKE 04 KIA	MODEL Optima-4 cyl.	BODY STYLE Sedan 4D LX	
AGENT <b>Insurance Depot</b>			
INSURED  Michelli, Donna [REDACTED] Dallas TX 75234-2056		<b>EXCLUDED DRIVER</b>  Michelli, James Austin	
<small>This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicle and named insured and may provide coverage for other persons and other vehicles as provided by the insurance policy.</small>			

If a person is an excluded driver on a policy, the insurance company specifically will not provide financial responsibility for events that occur while the excluded driver is driving. If the excluded driver is operating the vehicle, that person has failed to maintain financial responsibility as required by [601.051](#). A violation for **Fail to Maintain Financial Responsibility** exists.

Although generally state law requires insurance policies to cover the vehicle owner, members of their household, and all other people the owner permits to driver the vehicle, some policies can be more restrictive. When a specific person is excluded from coverage, this is called a “named driver exclusion” in the Texas Insurance Code [1952.351](#). Texas Insurance Code [1952.353\(b\)](#) authorizes the use of named driver exclusions if the excluded drivers are specifically identified in the policy.

Insurance companies are not permitted to exclude classes of drivers from the policy (i.e. unlicensed drivers, drivers who are not specifically named on the policy, etc.), but they are permitted to exclude specific people by name.

## TRC CHAPTER 621 – GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT

### WEIGHT VIOLATIONS

**Over 20,000 Single Axle (MC)**

**Over 34,000 Lbs. Tandem Axle (MC)**

**Over Weight Group Of Axles (MC)**

**Weight Carried Exceeds Tire Load Limit (MC)**

**Over Allowable Gross Weight (MC)**

#### [621.101 - Maximum Weight of Vehicle or Combination](#)

A vehicle or combination of vehicles may not be operated over or on a public highway if the vehicle or combination has:

- (1) a single axle weight heavier than 20,000 pounds, including all enforcement tolerances; or
- (2) a tandem axle weight heavier than 34,000 pounds, including all enforcement tolerances.
- (3) an overall gross weight on a group of two or more consecutive axles heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:  $W = 500((LN)/(N - 1) + 12N + 36)$  ("W" is maximum overall gross weight on the group; "L" is distance in feet between the axles of the group that are the farthest apart; and "N" is number of axles in the group).

It is a violation to operate with tires that carry a weight heavier than the weight specified and marked on the sidewall of the tire unless the vehicle is being operated under a special permit.

#### **Over Gross (Zoned) (MC)**

The state, counties, and municipalities are given the authority to set maximum gross weights for roadways and bridges within their jurisdiction. This arrest title applies when a vehicle's gross weight or single axle weight exceeds the limits established by the state, a county, or municipality.

## LENGTH AND WIDTH VIOLATIONS

**Note:** When taking enforcement action for a vehicle that is oversized, be aware that TRC **Chapter 622** contains **numerous exceptions for the normal length, width, and weight limitations:**

[Subchapter B](#) – Vehicles Transporting Ready-Mixed Concrete

[Subchapter C](#) – Vehicles Transporting Milk

[Subchapter D](#) – Vehicles Transporting Timber or Timber Products

[Subchapter E](#) – Vehicles Transporting Electric Power Transmission Poles

[Subchapter F](#) – Vehicles Transporting Poles or Pipes

[Subchapter G](#) – Special Mobile Equipment

[Subchapter I](#) – Vehicles Transporting Certain Agricultural Products or Equipment

[Subchapter J](#) – Certain Vehicles Transporting Recyclable Materials

[Subchapter Y](#) – Miscellaneous Length and Width Exceptions (Road Machinery, Farm Tractors, Implements of Husbandry, Water Well Drilling Equipment, Fire Department Vehicles, Fertilizer Vehicles, Recreational Vehicle Appurtenances)

[Subchapter Z](#) – Miscellaneous Weight Exceptions (Oil Field Service Equipment, Vehicles Transporting Seed Cotton or Chile Pepper Modules, Tow Trucks, and Vehicles with Idle Reduction Systems)

Below are some of the most commonly encounter vehicles that are covered by length and width exceptions in Chapter 622:

### [622.901 - Width Exceptions](#)

There are numerous vehicles to which the width limitations in [621.201](#) do not apply. The excepted vehicles in this section are:

#### **(1) Highway Building/Maintenance Machinery**

When traveling during daylight on a public highway other than an interstate highway or for not more than 50 miles on an interstate highway.

#### **(2) Farm Vehicle During Daylight**

When traveling during daylight on a public highway other than an interstate highway or traveling for not more than 50 miles on an interstate highway if the vehicle is a farm tractor or implement of husbandry; or a vehicle on which a farm tractor, implement of husbandry, or equipment used in the harvesting and production of timber, other than a tractor, implement, or equipment being transported from one dealer to another, is being moved by the owner of the tractor, implement, or equipment or by an agent or employee of the owner.

#### **(3) Water Well Drilling during Daylight**

Machinery that is used solely for drilling water wells that is traveling during daylight on a public highway other than an interstate highway or for not more than 50 miles on an interstate highway.

#### **(4) Fire Department Vehicle**

**(5) Fertilizer vehicle** registered under Section [502.431](#)

**(6) Recreational vehicle** exceeding width limitation if the excess width is attributable to an appurtenance that extends six inches or less beyond a fender (awning, grab handle, lighting equipment, or a vent).

#### **622.902 - Length Exceptions**

There are numerous vehicles to which the length limitation in [621.203](#) and [205](#) do not apply. Some of these vehicles are described in 622.902:

**(1) Machinery used exclusively for drilling water wells**

**(2) Fire Department Vehicle**

**(3) a vehicle or combination of vehicles operated exclusively in the territory of a municipality or a combination of vehicles operated by a municipality **used in connection with an established service to the municipality**;**

**(4) a truck-tractor, truck-tractor combination, or truck-trailer combination exclusively transporting machinery, materials, and equipment used in the construction, operation, and maintenance of facilities, including pipelines, that are used for the discovery, production, and processing of **natural gas or petroleum**;**

**(5) a drive-away saddle mount vehicle transporter combination or a drive-away saddle mount with full mount vehicle transporter combination;**

**(6) the combination of a tow truck and another vehicle;**

**(7) a vehicle or combination of vehicles used to transport a harvest machine** that is used in farm custom harvesting operations on a farm if the overall length of the vehicle or combination is not longer than 75 feet if the vehicle is traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or 81-1/2 feet if the vehicle is not traveling on a highway that is part of the national system of interstate and defense highways or the federal aid primary highway system; or

**(8) a truck-tractor operated in combination with a semitrailer and trailer or semitrailer and semitrailer if the combination is used to transport a harvest machine that is **used in farm custom harvesting operations on a farm**.**

#### **622.903 - Width Limitation on Certain Recreational Vehicles**

Recreational vehicles may exceed the normal width limitations of 102" if the excess width is attributed to an appurtenance (awning, grab handle, lighting equipment, or a vent). The excess width can be no more than 6" beyond each fender, therefore an effective maximum width for an RV including the appurtenances is 114" (102" plus 6" appurtenance on each side).

**Overwidth - Over 96" Passenger Vehicle, Over 102" All Others (MC)**

#### **621.201 - Maximum Width**

The **total width of a vehicle** operated on a public highway other than a passenger vehicle, including a load on the vehicle but excluding any safety device, may not be greater than **102 inches**. Side view mirrors would be considered a "safety device" and do not count towards overall width.

The total width of a **passenger vehicle** and its load may not be greater than **eight feet** (96 inches).

**Note:** "Passenger vehicle" is not specifically defined for this chapter.



**Passenger Vehicle – maximum width 96"**



**Not passenger vehicle – maximum width 102"**

**Discussion:** Do wide tires extending beyond the fender count towards overall vehicle width for the purposes of complying with maximum width requirements in 621.201?

While the addition of wide tires [does not change a vehicle's nominal design dimensions for the purposes of required vehicle lighting](#), such tires would still be included towards the maximum total width limitations for vehicles described in this section. The only equipment excluded from the total width limitations are safety devices determined to be necessary for the safe and efficient operation of motor vehicles (i.e. side view mirrors, marker lamps, etc.). A tire is not considered a safety device.

### **Illegal Load Extension To Left Or Right On Passenger Car (MC)**

#### **621.201 - Maximum Width**

**(d)** A passenger vehicle's overall width is limited to 96". Passenger vehicles may not carry a load extending more than three inches beyond the left side line of its fenders or more than six inches beyond the right-side line of its fenders.

**Discussion:**

**Are these illegal load extensions for extending more than 3" to the left and 6" to the right?**

No. These wheels are not part of the vehicle's load, so the load extension provisions do not apply.

**Is there a violation here?**

Maybe. Although these "swangers" (per [urbandictionary.com](http://urbandictionary.com)) are not regulated by load extension provisions, they are part of the vehicle and





the overall width of a passenger vehicle may not be more than 96 inches. If the overall width is more than 96", a violation exists.

If this vehicle's overall width is 80 inches or more, is it required to have ID and clearance lamps? **No.** The requirement for ID and clearance lamps for vehicles at least 80" wide apply only to Multipurpose Passenger Vehicles (SUVs), Trucks, Busses, Trailers, and Semitrailers ([Reference 571.108 Federal Lighting Standard](#) and TRC [547.352](#)).

### **Overlength Vehicle-Single (MC)**

#### **621.203 - Maximum Length of Motor Vehicle**

A **motor vehicle**, other than a truck-tractor, may not be longer than **45 feet**.

**Note:** There is **no length limitation for a truck-tractor** operated alone (when a truck tractor is being operated in combination with a trailer, the trailer or semitrailer length must comply with [621.204](#) – see next section).

For more information, see [Texas DMV's Vehicle Length Limit diagrams](#) in this document.

### **Overlength - Single Trailer Operated With Truck Tractor (MC)**

### **Overlength - Twin Trailers Operated With Truck Tractor (MC)**

#### **621.204 - Maximum Length of Semitrailer or Trailer**

A **semitrailer** that is operated in a truck-tractor and semitrailer combination may not be longer than **59 feet**, excluding the length of the towing device.

A semitrailer or trailer that is operated in a truck-tractor, semitrailer, and trailer combination (i.e. **two towed trailers**) may not be longer than 28-1/2 feet, excluding the length of the towing device.

For more information, see [Texas DMV's Vehicle Length Limit diagrams](#) in this document.

### **Overlength Combination (MC)**

### **Pull More Than Two Trailers Or Vehicles (MC)**

#### **621.205 - Maximum Length of Vehicle Combinations**

A combination of not more than three vehicles, including a truck and semitrailer, truck and trailer, truck-tractor and semitrailer and trailer, or a truck-tractor and two trailers, may be coupled together if the combination of vehicles is **not longer than 65 feet**.

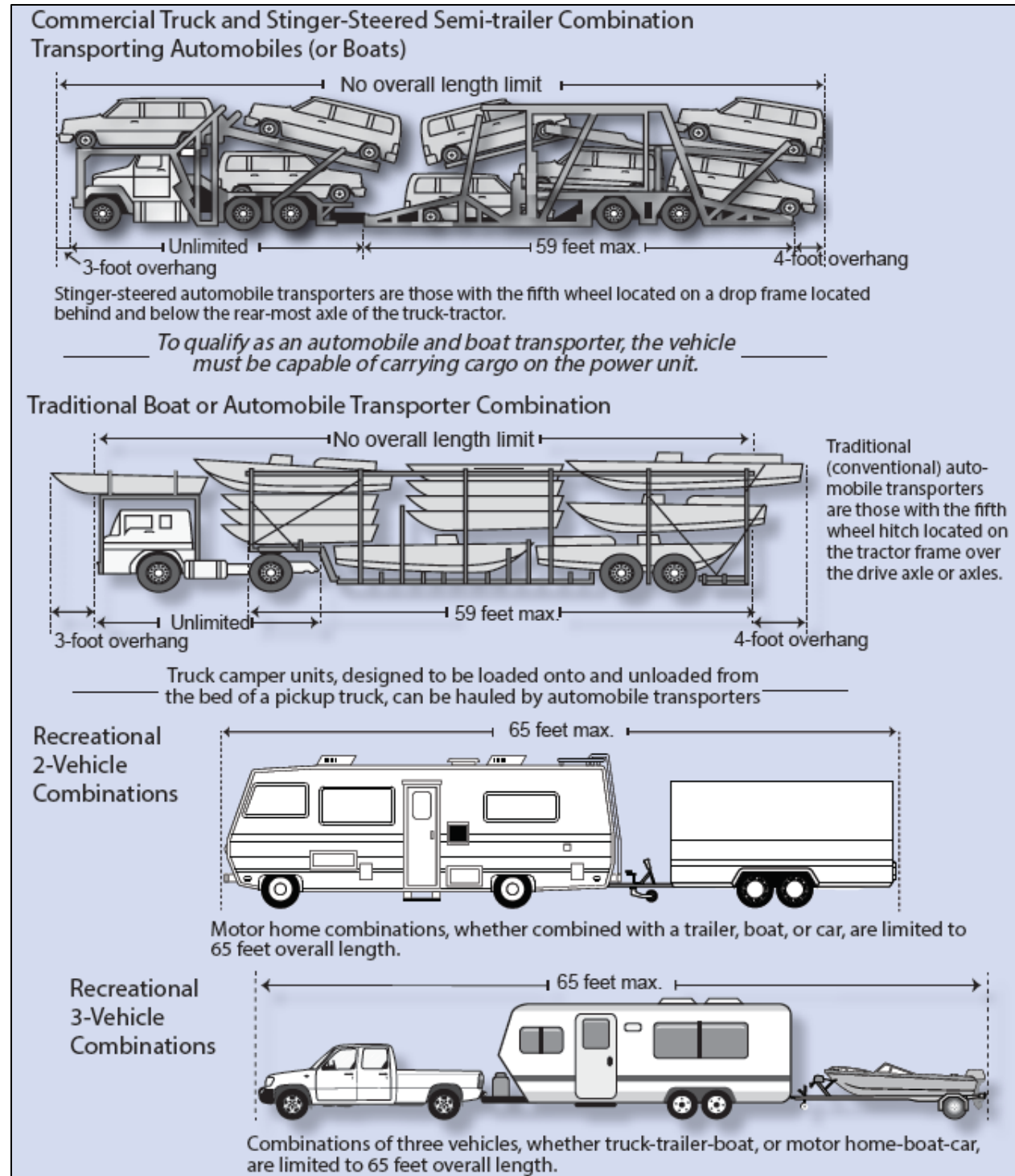
**Note:** A truck-tractor in combination with a semitrailer does not have a maximum overall combination length limit, however the towed trailer may not be longer than 59 feet, per [621.204](#).

A passenger car or another motor vehicle that has an unloaded weight of less than 2,500 pounds may not be coupled with more than one other vehicle or towing device at one time. A motor vehicle,

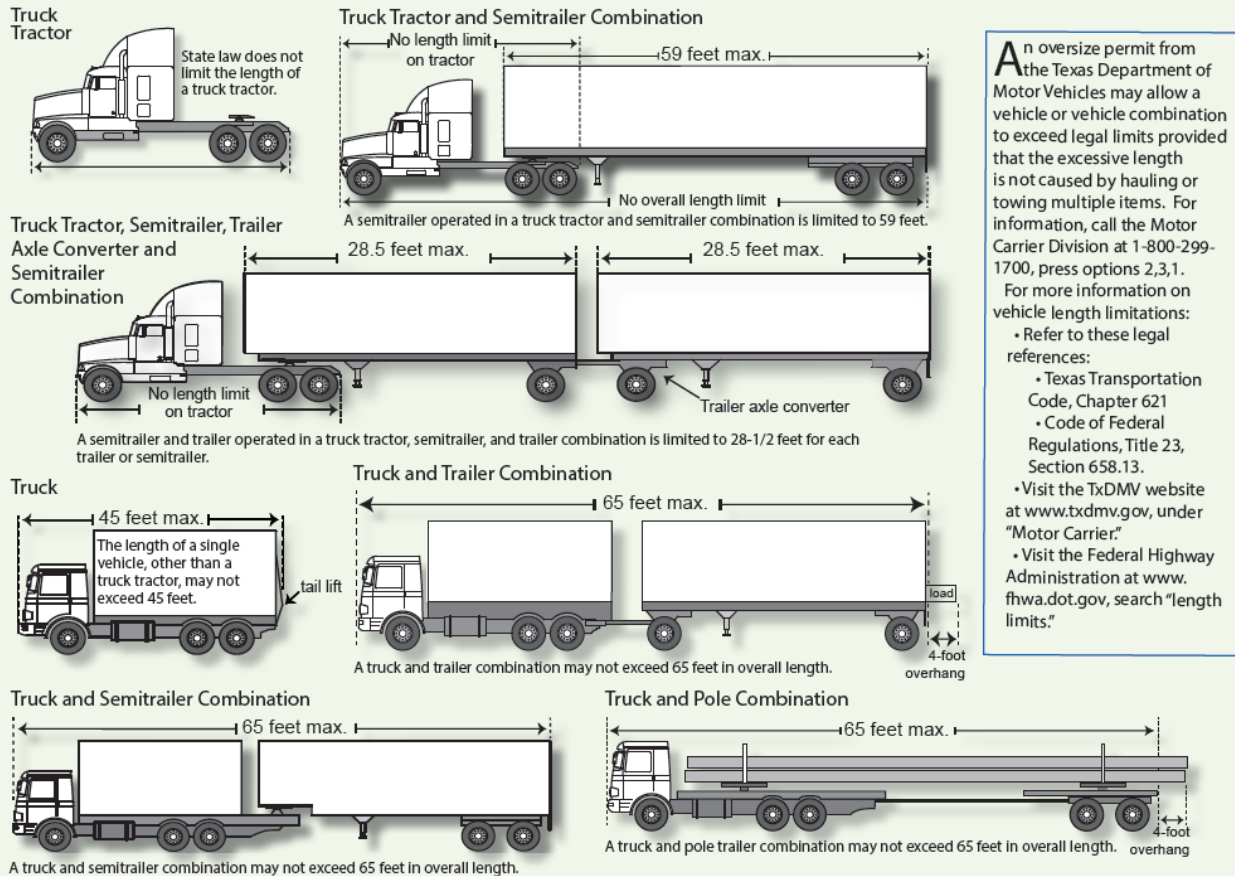
including a passenger car, that has an unloaded weight of 2,500 pounds or more may be coupled with a towing device and one other vehicle.

For more information, see [Texas DMV's Vehicle Length Limit diagrams](#) in this document.

Resource: [Texas DMV Vehicle Length Limitations Publication](#) (excerpts below)



## Vehicle Length Limit Diagrams



An oversize permit from the Texas Department of Motor Vehicles may allow a vehicle or vehicle combination to exceed legal limits provided that the excessive length is not caused by hauling or towing multiple items. For information, call the Motor Carrier Division at 1-800-299-1700, press options 2,3,1. For more information on vehicle length limitations:

- Refer to these legal references:
  - Texas Transportation Code, Chapter 621
  - Code of Federal Regulations, Title 23, Section 658.13.
- Visit the TxDMV website at [www.txdmv.gov](http://www.txdmv.gov), under "Motor Carrier."
- Visit the Federal Highway Administration at [www.fhwa.dot.gov](http://www.fhwa.dot.gov), search "length limits."

### Illegal Load Extension-Front/Rear (MC)

#### 621.206 - Maximum Extended Length of Load

A vehicle or combination of vehicles may not carry a load that extends more than three feet beyond its front or, except as permitted by other law, more than four feet beyond its rear.

**Note:** even if properly marked, a load extension beyond 3' to the front and 4' to the rear is illegal unless the vehicle is specifically excepted by law.



**Reference** – [547.382](#) – this section describes the required equipment for a load extension when the extension is permitted by law (some vehicles are specifically permitted to have load extensions beyond the limits in this section – most of these exceptions are described in [TRC Chapter 622](#)).

## Overheight (MC)

### [621.207 - Maximum Height](#)

A vehicle and its load may not be higher than 14 feet. The operator of a vehicle that is higher than 13 feet 6 inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure.

## Oversized Overweight Vehicles W/Previous Conviction (MB)

### [621.507 - General Offense; Penalty](#)

A person commits an offense if the person violates a provision related to vehicle size or weight. The offense can be enhanced to a Class B Misdemeanor if the person has been previously convicted of a vehicle size or weight violation **within the previous year**.

## SIZE AND WEIGHT EXCEPTION VIOLATIONS

### Over 23,000 Lbs. Single Axle – Cement (MC)

### Over 46,000 Lbs. Tandem-Cement (MC)

### Over 69,000 Lbs. Gross Weight-Cement (MC)

### Over 10% Single Axle (25,300) - Cement - Permit Violation (MC)

### Over 10% Tandem Axle (50,600) - Cement - Permit Violation (MC)

### [622.012 – Axle Weight Restrictions](#)

Ready Mix Concrete trucks are permitted to have axle weights higher than most other vehicles, however they must still comply with the weight requirements in 622.012 (follow link for exact requirements).

## Operate Extended Timber Load At Night (MC)

### [622.041 - Length Limitation for Vehicles Transporting Timber or Timber Products](#)

This section contains special length exceptions and requirements for **vehicles transporting timber or timber products**. A person may operate a vehicle or combination of vehicles that is used exclusively for transporting poles, piling, or unrefined timber from the point of origin of the timber (the forest where the timber is felled) to a wood processing mill if (1) the vehicle, or combination of vehicles, is **not longer than 90 feet**, including the load, and (2) the distance from the point of origin to the destination or delivery point **does not exceed 125 miles**.

#### [622.042 - Time of Operation; Display of Flag, Cloth, or Strobe Light](#)

A vehicle operating **under the provisions above** for the exclusive transportation of timber or timber products **may be operated only during daytime**. If the vehicle is operated at nighttime, normal length restrictions apply. A red flag or cloth not less than 12 inches square or a strobe light must be displayed at the rear of the load carried on the vehicle so that the light or the entire area of the flag or cloth is visible to the driver of a vehicle approaching from the rear.

#### [622.044 - Extension of Load Beyond Rear of Vehicle](#)

The normal 4' load extension limit does not apply to vehicles transporting timber or timber products.



**Owner Fail To Mark Special Mobile Equipment (MC)**

**Transport Unmarked Special Mobile Equipment-Undocumented (MC)**

**Transport Unmarked Special Mobile Equipment-Documented (MC)**

#### [622.072 – Identifying Markings on Special Mobile Equipment; Offense](#)

Before the 31st day after the date a person becomes the owner of a unit of special mobile equipment, the person must mark in a conspicuous place on the main chassis the manufacturer's serial number, an operation identification number recognized by law enforcement agencies, or a company identification number in a manner that is visible from not less than 50 feet.

A person commits an offense if the person owns a unit of special mobile equipment and fails to mark the unit as provided by this section.

**Reference** [541.201](#) – definition of Special Mobile Equipment.



**Properly marked special mobile equipment**



#### **622.073 – Transportation of Special Mobile Equipment**

A person commits an offense if the person transports on a public road or highway a unit of special mobile equipment that is not marked as required by Section [622.072](#).

**Over 21,000 Lbs. - Recyclable Material (MC)**

**Over 64,000 Lbs. - Gross Weight - Recyclable Material (MC)**

**Over 44,000 Lbs. - Tandem Axle - Recyclable Material (MC)**

**Fail To Display Surety Bond - Recyclable Material (MC)**

#### **622.133 - Axle Weight Restrictions**

A single motor vehicle used exclusively to transport recyclable materials may be operated on a public highway only if the tandem axle weight is not heavier than 44,000 pounds, a single axle load is not heavier than 21,000 pounds, and the gross load is not heavier than 64,000 pounds.

#### **622.134 – Surety Bond**

The owner of a vehicle transporting recyclable material with a tandem axle weight heavier than 34,000 pounds must file with the department a surety bond subject to the approval of the Texas Department of Transportation before operating on public highways. This requirement does not apply to a vehicle owned by a municipality or a county.

A copy of the bond shall be carried on the vehicle when the vehicle is on a public highway and presented to peace officer on request of the officer.



## MANUFACTURED HOUSING, PORTABLE BUILDINGS, AND OTHER OVERSIZE/OVERWEIGHT MOVED ON PERMIT

### Over Allowable Gross Weight - Permit Violation (MC)

#### [623.071 - Permit to Move Certain Equipment](#)

The Texas Department of Motor Vehicles may issue permits that allow the movement of certain oversize and overweight vehicles and loads. A permit for an overweight vehicle will specify a maximum weight allowable under the permit. It is a violation to exceed the gross weight allowed.

### Any Permit Violation- Manufactured Housing (MC)

#### [623.092 - Permit Requirement](#)

A manufactured house in excess of legal size limits for a motor vehicle may not be moved over a highway, road, or street in this state except in accordance with a permit issued by the department (Texas DMV).

**Note:** If an officer sees an over-width manufactured house traveling down the road, probable cause exists to make a traffic stop. The burden is on the operator of the vehicle to produce a permit granting the over-width movement.

"Manufactured House" is defined in [623.091](#) - "manufactured house" means "industrialized building" as defined by Chapter 1202, Occupations Code, "industrialized housing" as defined by Chapter 1202, Occupations Code, or "manufactured home" as defined by Chapter 1201, Occupations Code. The term includes a temporary chassis system or returnable undercarriage used for the transportation of a manufactured house and a transportable section of a manufactured house that is transported on a chassis system or returnable undercarriage and that is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for a motor vehicle.



A permit to move a manufactured house is valid for a five-day period ([623.097](#)).

**No/Defective/Improper Amber Rotating Beacon - Towing Vehicle - Manufactured Housing (MC)**

**No/Defective/Improper Amber Rotating Beacon - Manufactured Housing (MC)**

**623.098 - Caution Lights**

All manufactured houses wider than 12 feet - must have **one rotating amber beacon** mounted at the rear of the manufactured house on the roof **or** one flashing amber light mounted at each rear corner of the manufactured house approximately six feet above ground level.



In addition, the **towing vehicle** must **have one rotating amber beacon** of not less than eight inches mounted on top of the cab. Each beacon shall be operated during a move under a permit and while on a highway, road, or street in this state.



**No Escort Vehicle - Manufactured Housing (MC)**

**No Red Flags - Escort - Manufactured Housing (MC)**

**No Wide Load Signs - Manufactured Housing (MC)**

**623.099 - Escort Flag Vehicle**

A **manufactured house 16 – 18 feet wide** – in addition to the equipment required in [623.098](#), must have one escort flag vehicle that must precede the house on a two-lane roadway or follow the house on a roadway of four or more lanes.

A **manufactured house more than 18 feet wide** – in addition to the equipment required in [623.098](#), must be preceded and followed by escort flag vehicles while moving over a highway, road, or street in this state.

**An escort flag vehicle must be equipped as follows:**

- (1)** on top of the vehicle and visible from the front and rear two lights flashing simultaneously or one rotating amber beacon of not less than eight inches;
- (2)** four red 16-inch square flags mounted on the four corners of the vehicle so that one flag is on each corner; and
- (3)** signs that are mounted on the front and rear of the vehicle and have a yellow background and black letters at least eight inches high stating "wide load".

Reference [623.008](#) – definitions of **escort flag** vehicle and **escort flagger**:

*"Escort flag vehicle" means a vehicle that precedes or follows an oversize or overweight vehicle operating under a permit issued by the department for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.*

*"Escort flagger" means a person who: (A) has successfully completed a training program in traffic direction as defined by the basic peace officer course curriculum established by the Texas Commission on Law Enforcement; and (B) in accordance with a permit issued by the department under this subtitle, operates an escort flag vehicle or directs and controls the flow of traffic using a hand signaling device or an automated flagger assistance device.*

Reference [542.501](#) – escort flaggers have been given [traffic direction authority](#).

**Manufactured House Or House Trailer Over 55 MPH (MC)**

**[623.101 - Speed Limit](#)**

The maximum allowable speed for a vehicle towing a manufactured house or house trailer is 55 miles per hour, or the speed limit if the speed limit is below 55 miles per hour.

**Note:** Utilize this arrest title instead of "Speeding over Limit" in the manufactured house or house trailer is traveling over 55 MPH but under the actual posted speed limit.

## COMMERCIAL MOTOR VEHICLES

### No/Defective/Improper Identifying Markings-Commercial Vehicle (MC)

#### [642.002 - Identifying Markings on Certain Vehicles Required](#)

It is an offense to operate the following vehicles on a public street, road, or highway without required markings:

- (1) a commercial motor vehicle that has three or more axles;
- (2) a truck-tractor
- (3) a road-tractor; or
- (4) a tow truck.

The markings required by this section must comply with the identifying marking requirements specified by [49 C.F.R. Section 390.21](#) or must show the name of the owner or operator of the vehicle, have clearly legible letters and numbers of a height of at least two inches, and show the motor carrier registration number in clearly legible letters and numbers if the vehicle is required to be registered under this chapter or Chapter 643.

In addition to the above described markings, **tow trucks** must show on each side of the power unit the city in which the owner or operator maintains its place of business and the telephone number, including area code, at that place of business in clearly legible letters and numbers.

### Fail To Display TXDMV Cab Card (MC)

#### [643.059 – Cab Cards](#)

The department shall issue a cab card for each vehicle requiring registration (motor carrier registration for commercial motor vehicles). A cab card must show the registration number of the certificate, show the vehicle unit number, show the vehicle identification number, and contain a statement that the vehicle is registered to operate.

A motor carrier required to register must keep the cab card in the cab of each vehicle requiring registration.

#### [643.253 - Offenses and Penalties](#)

A person commits an offense if the person fails to:

- (1) register as a motor carrier when required;
- (2) maintain insurance or evidence of financial responsibility as required; or
- (3) keep a cab card in the cab of a vehicle as required by Section [643.059](#).

### Failure To Carry Or Present Vehicle License Receipt [CMV] (MC)

#### [621.501 - Failure to Carry or Present Vehicle License Receipt](#)

A person commits an offense if the person fails to carry or present a vehicle registration receipt as required by [621.002](#). This registration receipt is required to be carried in commercial motor vehicles.

## MOTORCYCLES

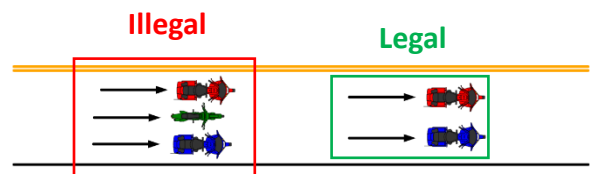
### Operate Motorcycles More than Two Abreast (MC)

### Motorcycle Passed in Same Lane or Operated Between Lanes of Traffic – Lane Splitting (MC)

#### 545.0605 - Operation of Motorcycles on Roadway Laned for Traffic (effective 9/1/23)

This section specifies that the operator of a motorcycle is entitled to full use of a lane and a motor vehicle may not be driven in a manner that deprives a motorcycle of the full use of a lane (i.e. crowding into lane space next to a motorcycle). This would not apply to motorcycles riding two abreast as permitted by this section.

This section specifically allows motorcycles to ride two abreast in a single lane but prohibits riding more than two abreast.



This section also specifically prohibits the practice commonly known as “**lane splitting**” where a motorcycle operates between lanes of traffic moving in the same direction or passes a motor vehicle while in the same lane as the vehicle being passed.



### Ride Motorcycle Improperly (MC)

#### 545.416 - Riding on Motorcycles

The operator of a motorcycle or moped is required to sit on the permanent and regular seat attached to the vehicle. Activities such as standing on the seat or gas tank would be a violation.

**Note:** Motorcyclists rise out of their seats by standing up on their foot pegs to aid in shock absorption at times. This type of activity is encouraged in the Texas DPS Motorcycle Operator’s Manual and should not be construed to be an illegal activity under this section.

**Carry Motorcycle/Autocycle Passenger less than 5 Years of Age (MC)**

**Transport Passenger on Motorcycle Without Required Equipment (MC)**

**Too Many Riders – Motorcycle (MC)**

**545.416 - Riding on Motorcycles**

A passenger may not be carried unless the motorcycle is designed to carry a passenger, including handholds and footrests. Passengers must also ride only on permanent seats.

The minimum age for a motorcycle passenger is **5 years of age** unless the passenger is in a sidecar. There is no minimum age for sidecar passengers. Passengers in sidecars are not subject to safety belt or child safety seat requirements because motorcycles do not fall under the definition of “passenger vehicle” used in [545.412](#) and [545.413](#).

For passenger restrictions, an [autocycle](#) is considered to be a motorcycle.

Reference [661.003](#) – motorcycle helmet requirements

Reference [547.617](#) – motorcycle equipment requirements (handholds and footrests)

**No Motorcycle Footrests and/or Handholds - When Required (MC)**

**547.617 - Motorcycle Footrests and Handholds Required**

This section requires that a motorcycle or moped that is designed to carry more than one person be equipped with footrests and handholds for use by the passenger.

This section does not apply to an [autocycle](#).



**No/Defective Multiple-Beam Road-Lighting Equipment-On Motorcycle (MC)**

**No Head Lamps - When Required-Motorcycle (MC)**

**Head Lamps Improperly Located On Motorcycle (MC)**

**Defective Head Lamps On Motorcycle (MC)**

**No Stop Lamp On Motorcycle (MC)**

**No/Defective Tail Lamps - Motorcycle (MC)**

**Tail Lamp Improperly Located On Motorcycle (MC)**

**No Reflector On Rear Of Motorcycle (MC)**

**No License Plate Lamp On Motorcycle (MC)**

**547.801 - Lighting Equipment**

(a) A motorcycle or a moped must be equipped with:

- (1) **not more than two headlamps** mounted at a height from 24 to 54 inches
- (2) at least **one taillamp** mounted at a height from 20 to 72 inches
- (3) a taillamp or separate **lamp to illuminate the rear license plate**
- (4) at least **one stop lamp**
- (5) at least **one rear red reflector**

The TRC does not require turn signals on motorcycles, however the federal 108 lighting standard adopted in [547.3215](#) **requires turn signals and additional reflectors on motorcycles**. THP-68, Table 1-C

The Federal 108 lighting standard requires the same equipment as above, and additionally requires:

- (6) **two amber turn signal lamps** at or near the front
- (7) **two amber or red turn signal lamps** at or near the rear
- (8) **two amber reflectors on the side** of the motorcycle at or **near the front**
- (9) **two red reflectors on the side** of the motorcycle at or **near the rear**

If a motorcycle is not equipped as required by the federal 108 lighting standard, the correct arrest title is [Operate Motor Vehicle In Violation Of FMVSS 571.108](#). These requirements have been in place in the federal standard since 1974 and can be applied to any motorcycle manufactured after their implementation.

This single lamp meets the requirements for a taillamp, brake lamp, rear red reflector, and license plate lamp (a clear lens on the bottom of the lamp allows the license plate to be illuminated).



Motorcycles are required to have multi-beam headlamps (high beam/low beam) with an exception for smaller motorcycles (250 cc's or less) and mopeds.

**A motorcycle may not be operated at any time unless at least one headlamp on the motorcycle is illuminated.** This requirement does not apply to a motorcycle manufactured before the model year 1975.

**MC Headlamp Modulators** - Motorcycles equipped with headlamp modulators that rapidly vary the intensity of the headlamp to increase conspicuity are not in violation for displaying a flashing white lamp ([547.305](#)) because the headlamp is not turned off and on as it modulates. These modulators are permitted by the federal 108 lighting standards (S10.17.5).

### **Brakes Not on All Wheels-Motorcycle (MC)**

#### **547.802 – Brake Equipment**

If a motorcycle or a moped complies with the performance requirements of Section [547.408](#), brakes are not required on the wheel of a sidecar attached to the motorcycle or moped.

Motorcycles with an engine displacement of 250 cc's or less and mopeds that meet the brake performance requirements of [547.408](#) are not required to have brakes on the front wheel of the vehicle. Otherwise, motorcycles are required to have brakes on each wheel in contact with the ground.

### **Operate Motorcycle Without Approved Headgear (MC)**

### **Motorcycle Passenger Without Approved Headgear (MC)**

### **Carry Motorcycle Passenger Without Approved Headgear (MC)**

#### **661.003 - Offenses Relating to Not Wearing Protective Headgear**

Protective headgear is required for motorcycle **operators and passengers**, although there is a significant exception: If someone is 21 years of age or older, they are not required to wear a helmet if they have completed a motorcycle safety training course or they are covered by health insurance that will provide for their care if they are incapacitated by an injury related to motorcycling. Generally, a rider who displays a Motorcycle Safety Training completion certificate or some evidence of a health insurance plan should be considered to be exempt from the helmet requirement.

**Anyone under 21 years of age is required to wear protective headgear without exception.** Each person not wearing a helmet when required is committing a violation. Passengers in violation can be issued a citation, however the operator may also be cited for carrying passengers without helmets. Officer discretion should be used when determining whether to issue a citation to the passenger themselves or to the operator of the motorcycle when a passenger is not wearing a required helmet.

**Peace officers who observe a motorcyclist operating without a helmet are not permitted to conduct a traffic stop for the sole purpose of determining whether or not the person has a valid exemption to the helmet requirement ([661.003\(c-1\)](#)).**

**Note:** A person who is required to wear a helmet must wear a helmet that meets safety standards adopted by the department ([661.002](#)). This means the helmet must be DOT approved. A DOT sticker will be placed on the back of a helmet if it meets safety standards.

A person wearing a non-DOT approved helmet should only be cited if they are required to wear a helmet by this section.

**Reference [661.0015](#)** - for helmet purposes, treat autcycles like **motorcycles** unless they are fully or partially enclosed. Fully or partially enclosed autcycles are not subject to helmet laws.



## MISCELLANEOUS MOTORCYCLE LEGAL QUESTIONS

### Is popping a wheelie illegal?

There is not a specific offense for popping a wheelie on a motorcycle. Depending on the circumstances, the below sections may be applicable:

[545.401](#) – **Reckless Driving**. Must articulate willful or wanton disregard for safety – this would be a high-speed or prolonged wheelie where the officer believes safety has been disregarded. Would likely not apply to small or low speed wheelies. This is a Class B Misdemeanor.

[545.351](#) – **Speeding Over Limit**. Check the motorcycle on radar. Motorcycles popping wheelies generally exceed the speed limit quickly.

[545.416\(a\)](#) – **Riding on Motorcycle**. An operator must ride on the permanent and regular seat attached to the motorcycle. An operator standing on the seat, sitting on the gas tank, or in any other position aside from the motorcycle seat would be in violation of this section while popping a wheelie.

**BE CAREFUL:** TRC [545.420](#) – **Racing (Exhibition of Acceleration)**. Exhibition of acceleration must take place during a drag race in order to be a violation of 545.420. If a motorcycle is popping a wheelie by itself or while not engaged in any type of a race or speed competition, this offense should not be used.



### Is lane splitting illegal?

Until 9/1/23, lane splitting was a gray area in Texas law. It was not specifically permitted and not specifically prohibited.

[HB 4122](#) was passed in the 88<sup>th</sup> Legislative Session to specifically address motorcycle lane splitting and passing other vehicles within the same lane. This activity is now specially prohibited and the arrest title is [Motorcycle Passed in Same Lane or Operated Between Lanes of Traffic – Lane Splitting](#). (Click the link to read more)

The offense described above is a class C misdemeanor. If an officer observes lane splitting at high speeds and with conscious deliberate disregard for safety, an arrest for [Reckless Driving](#) may be more appropriate. Prior to making this arrest, an officer should be able to articulate the willful or wanton disregard for safety. Follow the reckless driving link for more information.



## DISABLED/PRIVILEGED PARKING

### Park/Stand Vehicle Displaying Disabled Placard/LP in Disabled Space When Not Authorized (MC) Park/Stand Vehicle in Disabled Parking Space – Not Displaying Disabled Placard/LP (MC)

#### [681.011 - Offenses; Presumption](#)

It is an offense to stand a vehicle with disabled plates or a placard in a disabled parking space when the standing of the vehicle is not for or by a person with disabilities.

It is an offense to stand a vehicle in a disabled parking space when disabled parking plates or a placard are not displayed.

It is an offense to stand a vehicle with disabled parking plates or placards in a place where the plates create an exemption for paying a fee for parking when the vehicle is not being used for or by a person with a disability.

In the prosecution of an offense under this chapter, it is presumed that the registered owner of the vehicle is the person who left the vehicle parked.

**Note:** This section makes it an offense to illegally “stand” a vehicle in a disabled parking spot. “Stand” or “Standing” is defined in [681.001](#) – *to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging a passenger*. In other words, if a vehicle without disabled plates pulled into a disabled parking spot to pick up or discharge a passenger, the vehicle would not be considered to be “standing” and would **not** be in violation of this section. If they remained in the space after discharging the passenger, they would be in violation.

**How does a disabled parking space have to be marked? Is a sign required? What about spaces with no sign but a painted international symbol of access?**

#### [681.009 - Designation of Parking Spaces by Political Subdivision or Private Property Owner](#)

The Texas Department of Licensing and Regulation [enforces certain requirements](#) for disabled parking spaces on new construction to ensure compliance with Texas Accessibility Standards. These requirements mandate the painted international symbol of access, a sign designating the space as disabled parking, and a variety of other architectural considerations. These standards, however, are not retroactively applied to parking spaces build prior to their adoption, meaning many parking lots feature disabled parking spaces that are not marked in strict compliance with current rules.

[SB 904](#) in the 88<sup>th</sup> Texas Legislature (effective 9/1/23) amended Transportation Code [681.011](#) to address situations where a disabled parking space is marked, however the markings are not to the exact specifications described in [681.009](#). It is not a defense to prosecution for a disabled parking violation if the parking space is not marked to the exact specifications **as long as the space is clearly distinguishable as being designated for persons with disabilities**.

[681.011](#) does state that a peace officer may issue a **warning only** for a disabled parking violation if the parking space **does not have a sign** identifying the space as disabled parking. Disabled parking spaces marked only with paint on the ground should not result in a citation against a violator.

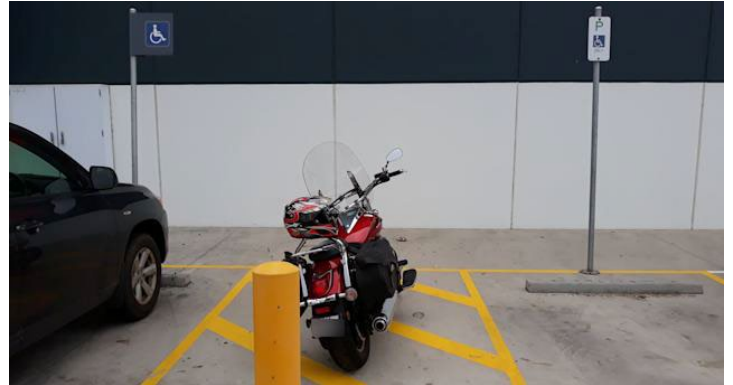


**Park/Stand Vehicle Blocking Access Aisle, Ramp, or Architectural Improvements for Disabled Persons (MC)**

**681.011 - Offenses; Presumption**

It is an offense to stand a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including an access aisle or curb ramp.

In this picture, the motorcycle is in violation for blocking the access aisle designed to give more room to persons with disabilities parked in the adjacent spaces.



**Loan Disabled Placard to Another For Unlawful Purpose (MC)**

**681.011 - Offenses; Presumption**

It is an offense to lend a disabled parking placard issued to the person to someone who uses the placard in violation of this section.

**Disabled Veteran License Plate Park/Stand in Disabled Parking Space Not Displaying Symbol of Access on Plate or Placard (MC)**

**681.011 - Offenses; Presumption**

**Does a Disabled Veteran License Plate permit parking in a disabled parking place?**

Not after January 1, 2022.

In the 87<sup>th</sup> Legislative session (2021) Senate Bill 792 passed, effective January 1, 2022. Prior to this legislation, any vehicle bearing Disabled Veteran license plates was permitted to park in disabled parking spaces.

This bill provides for Disabled Veteran license plates to be issued bearing the international symbol of access if requested by the applicant. A vehicle bearing Disabled Veteran license plates will no longer be permitted to park in disabled parking spaces **unless** the vehicle displays Disabled Veteran license plates bearing the international symbol of access or a disabled parking placard.



[Texas DMV has implemented a process](#) to allow disabled veterans to obtain new license plates bearing the international symbol of access if they qualify based on their disability.

This offense is specific to a vehicle bearing a Disabled Veteran license plate parking in a disabled parking space without displaying the international symbol of access on a rearview mirror placard or on the license plate itself.

[Follow this link for information on the correct marking of a disabled parking space.](#)



## TRANSPORTING LOOSE MATERIAL

### Fail To Secure Load / Improperly Secured Load (MC)

#### [725.021 - Containing Loose Materials](#)

A vehicle shall be equipped and maintained as required to prevent loose material from escaping by blowing or spilling.

**Note:** This violation is specific to a vehicle carrying a load of “loose material”. This term is defined in [725.001](#) - *material that can be blown or spilled from a vehicle because of movement or exposure to air, wind currents, or other weather. The term includes dirt, sand, gravel, refuse, and wood chips but excludes an agricultural product in its natural state.*

Although the definition of “loose material” above provides some examples (dirt, sand, gravel, refuse, and wood chips), the definition can be applied to any material that can be blown or spilled from a vehicle due to movement, air, or wind current. Even larger cargo such as furniture or equipment can be blown from a vehicle or spilled due to vehicle movement. Prior to taking enforcement action, make sure you can articulate that the items/materials that fell fall within this definition.

If cargo that does not meet the definition of “loose material” is spilled, officers may also consider enforcement for [Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person](#) if they can articulate that the driver failed to equip the vehicle and load with appropriate tie-downs and the manner in which a load was secured was unsafe.

#### Inadequate Bed [Failure To Secure Load] (MC)

#### Defective/Inadequate Bed [Failure To Secure Load; Hole, Crack, Opening] (MC)

#### Inadequate Sideboards [Failure To Secure load] (MC)

#### Improperly Secured Tailgate [Failure To Secure Load] (MC)

#### [725.021 - Containing Loose Materials](#)

A vehicle bed carrying a load:

- (1) may not have a hole, crack, or other opening through which loose material can escape; and
- (2) shall be enclosed: (A) on both sides by side panels; (B) on the front by a panel or the vehicle cab; and (C) on the rear by a tailgate or panel.

The load of loose material is required to be covered unless the load is completely enclosed by the load-carrying compartment or does not blow from or spill over the top of the load-carrying compartment.

**Enforcement Example:** A pickup hauling a load of dirt in the bed is not required to cover the load of dirt as long as it is enclosed on all four sides and the dirt is not blowing or spilling over the top of the bed. If this same pickup is hauling a load of dirt with its tailgate down, a violation exists because the load is not enclosed on all four sides. **Note:** If the vehicle is a commercial motor vehicle, see below.



## Fail To Cover Load [Covered, Secured, Front And Back] – CMV (MC)

### 725.021 - Containing Loose Materials

If a vehicle is a **commercial motor vehicle** transporting loose material, the load must be enclosed on all four sides AND covered. The covering must be firmly secured at the front and back. In this section, “commercial motor vehicle” means a motor vehicle, trailer, or semitrailer used primarily in the business of transporting property.

## Loose Material Not Removed from Non-load Carrying Parts of Loaded Vehicle (MC)

## Loose Material Not Removed from Non-load Carrying Parts of Unloaded Vehicle (MC)

### 725.022 - Maintaining Non-Load-Carrying Vehicle Parts

Loose material that is spilled because of loading on a vehicle part that does not carry the load shall be removed before the vehicle is operated on a public highway.

After the vehicle is unloaded, residue of transported loose material on a vehicle part that does not carry the load must be removed prior to operating on a public highway.

## MODIFICATION AND TAMPERING WITH VEHICLE EQUIPMENT

## Modified/Weighted Motor Vehicle (MC)

### 727.001 - Minimum Road Clearance of Certain Vehicles; Offense

A person may not operate a vehicle that has been modified from its original design or weighted so that the clearance between any part of the vehicle other than the wheels and the surface of the level roadway is less than the clearance between the roadway and the lowest part of the rim of any wheel in contact with the roadway.

In the example below, note that parts of the vehicle are lower than the distance between the roadway and the lowest part of the rim. This vehicle would be in violation if operating on a public highway.



## **Tamper With Odometer (MB)**

### **727.002 - Tampering with Odometer; Offense**

A person commits an offense if the person, with intent to defraud, disconnects or resets an odometer to reduce the number of miles indicated on the odometer. This statute applies to odometers that only count up, not trip meters that are permitted to be manually reset.

## **Operate Motor Vehicle/Trailer/Semi-Trailer/Tractor With One Or More Tires Removed (MC)**

### **727.003 - Tire Equipment of Motor Vehicle, Trailer, or Tractor; Offense**

It is an offense to operate a vehicle with pneumatic tires, one or more of which has been removed. A pneumatic tire is a tire designed to be filled with pressurized air.

**What about driving on a flat tire?** See [Drive/Permit To Drive Vehicle In Unsafe Cond So As To Endanger Any Person](#)



## MISCELLANEOUS VIOLATIONS

### Operate Commercial Vehicle Without Required Inspection (MC)

#### Important Changes Effective January 1, 2025

[HB 3297](#) was passed during the 88<sup>th</sup> Legislative Session and repeals most aspects of the non-commercial vehicle safety inspection program. **Non-commercial vehicles will not have to undergo a safety inspection after January 1, 2025.** The commercial vehicle inspection program is unaffected.

Vehicles registered in counties subject to emissions inspection under the state's air quality state implementation plan will still have to undergo an emissions check within 90 days prior to registration. There are seventeen counties in Texas that required emissions testing: Brazoria, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, Tarrant, Travis, and Williamson. [Bexar County will be added to the list effective November 1, 2026.](#)

#### [548.001 – Definitions](#)

Although non-commercial vehicles no longer required a state safety inspection (Effective 1/1/24), commercial vehicles [registered in Texas](#) must still undergo an annual inspection. "Commercial Motor Vehicle" is defined here for inspection purposes, meaning the following types of vehicles must be inspected:

**Commercial Motor Vehicle** - a self-propelled or towed vehicle that is used on a public highway to transport passengers or cargo if:

- (A) the vehicle or combination of vehicles has a gross weight, registered weight, or gross weight rating of **more than 26,000 pounds**;
- (B) the vehicle is designed or used to transport **more than 15 passengers**, including the driver; or
- (C) the vehicle is used to **transport hazardous materials in a quantity requiring placarding** by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101).

**Important Exclusion:** a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds is not considered a commercial motor vehicle and is therefore not subject to the annual safety inspection ([548.001\(1\)](#)).

#### [548.201 – Commercial Motor Vehicle Inspection Program](#)

This section establishes the commercial motor vehicle inspection program and establishes the requirement for commercial motor vehicles [registered in Texas](#) to pass an annual safety inspection.

In addition to vehicles that meet the definition of a "commercial motor vehicle" in [548.001](#) (see above), this inspection requirement also applies to a vehicle with a gross weight rating of more than 10,000 pounds that is registered in Texas and operated in interstate commerce.

**Note:** A school bus is only required to obtain this annual inspection if it will be operated at speeds of 60 MPH on state or US highways as authorized in [545.352\(b\)\(4\)\(A\)](#).

### What about 72 and 144-Hour Permits?

It is extremely common to encounter an uninspected commercial motor vehicle operating on a 72- or 144-hour permit.

If a vehicle is being operated on a 72- or 144-Hour permit and it meets the definition of a commercial motor vehicle in [548.001](#), it must have an annual safety inspection under Chapter 548 (Reference [502.094](#)). DMV does not currently perform an inspection verification prior to issuing 72- and 144-hour permits. Although DMV does not perform this check, commercial vehicles operating under 72- and 144-hour permits are still required to be inspected. If an officer develops probable cause that such a vehicle has not been inspected within the previous year, the charge **Operate Commercial Vehicle Without Required Inspection** is appropriate (see guidance below for developing this probable cause below).

If a commercial motor vehicle is being legally operated unladen under a 30-day or 1-trip license plate, an inspection is not required (Reference [502.095](#)).

### Developing Probable Cause for Operating a Commercial Vehicle Without the Required Inspection

If you are roadside with a commercial motor vehicle as defined in [548.001](#) that is registered in Texas and you want to determine whether or not the vehicle has passed an inspection, visit [MyTXCar.org](http://MyTXCar.org).

After completing the security check, enter the vehicle's VIN number. You will receive a list of vehicle inspection events with a "Pass/Fail" associated with each event.

NOTE: this database is updated nightly, so a vehicle will not show as inspected until the following day.

A vehicle should have received a passing inspection within the previous year. Failure to do so can provide probable cause for an offense of **Operate Commercial Vehicle Without Required Inspection**.

#### Display Vehicle Inspection Report Issued For Another Vehicle (MB)

#### Display Vehicle Inspection Report Issued Without Inspection (MB)

#### Present Fictitious Inspection Report (MB)

#### [548.603 - Fictitious or Counterfeit Inspection Certificate](#)

It is a Class B Misdemeanor for an owner to present a fraudulent vehicle inspection report or to knowingly allow a vehicle to be registered using a vehicle inspection report that is fraudulent.

#### Throw Injurious Material On Highway (MC)

#### [600.001 - Removing Material from Highway](#)

A person who drops or permits to be dropped or thrown on a highway destructive or injurious material is required to immediately remove the material or cause it to be removed.

### **Wrecker Driver Fail To Remove Glass From Highway (MC)**

#### **600.001 - Removing Material from Highway**

A person who removes a wrecked or damaged vehicle from a highway is required to remove glass or another injurious substance dropped on the highway from the vehicle.

### **Allow Dangerous Driver To Borrow Vehicle (MC)**

#### **705.001 - Allowing Dangerous Driver to Borrow Motor Vehicle**

A person commits this offense if they knowingly permit another to operate a motor vehicle owned by the person and they know at the time permission is given that the other person's license has been suspended as a result of a DWI or Intoxication Assault offense or for any other refusal to give a blood or breath specimen under Chapter 724 of the Transportation Code (Implied Consent).

### **Littering/Leave Refuse on Highway (varies)**

#### **HSC 365.012 - Illegal Dumping; Discarding Lighted Materials; Criminal Penalties**

A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site. If the litter weighs 5 pounds or less or is in a volume of 5 gallons or less, the offense is a Class C Misdemeanor.

**Level of the Offense – The level of offense is based on the weight/volume of the litter:**

**5 pounds or less/5 gallons or less – Class C Misdemeanor**

**More than 5 pounds, less than 500 pounds – Class B Misdemeanor**

**More than 5 gallons, less than 100 cubic feet**

**500 pounds or more, less than 1000 pounds – Class A Misdemeanor**

**100 cubic feet or more, less than 200 cubic feet**

**1000 pounds or more/ 200 cubic feet or more – State Jail Felony**

If a person has been previously convicted, the punishment is increased to the next highest category.

Unauthorized disposal of litter or other solid waste in a dumpster or similar receptacle is considered an offense under this section.

**HSC 365.011 - "Litter" means:**

**(A)** *decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or*

**(B)** *nondecayable solid waste, except ashes, that consists of:*

*(i) combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;*

*(ii) noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and*

*(iii) discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.*

**Is throwing out a cigarette butt littering?** Yes. A cigarette butt meets the definition of litter regardless of whether or not it is lit when it is thrown from a vehicle or otherwise discarded. Due to the light weight of a cigarette butt, this violation would be a Class C Misdemeanor unless a fire was started as a result of the discarded cigarette (see next section).

### **Discard Lighted Litter – Igniting a Fire (MB)**

#### **[HSC 365.012 - Illegal Dumping; Discarding Lighted Materials; Criminal Penalties](#)**

A person commits an offense if the person discards lighted litter, including a match, cigarette, or cigar **and** a fire is ignited as a result. This applies to lighted litter discarded onto open-space land, a private road or the right-of-way of a private road, a public highway or other public road or the right-of-way of a public highway or other public road, or a railroad right-of-way. This is a **Class B Misdemeanor**.

**Note:** The litter must ignite a fire for the person to be charged under this arrest title. Otherwise, the person should be charged with regular littering.