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Committee on Transportation

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OPINION COMMITTEE

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The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42175-01
I.D. # 42175

Dear General Cornyn:

In Harris County, Texas, several tow truck operators are being ticketed for violations they insist are in fact not violations. The issue is the light bar located on the tow truck. It seems that state and federal laws address certain requirements for lights and lighting systems, and their uses, which appear on tow trucks. Several tow truck companies in Harris County are mounting standard manufacturers light bars on their vehicles which contain the required lights by law. However, for safety reasons, the light bars also contain auxiliary stop and tail lamps. Another issue is the color of the lamps on the light bars. The tow trucks are being cited by Harris County officials for not having amber colored lights, but rather having blue and red colored lamps.

Officers from Harris County are issuing citations to the tow trucks for having these auxiliary lights and for having blue and red colored lamps rather than amber, citing a Harris County Commissioner's Court approved ordinance under Sec. 545.306(a).

I would like to request an official Attorney General Opinion to address the following questions:

- (1) Can a political subdivision, particularly a county, prohibit by rule or ordinance, a tow truck from having auxiliary stop and tail lamps in or under the factory mounted light bar?
- (2) Can a political subdivision, particularly a county, prohibit by rule or ordinance, a tow truck from having a red or blue lens in the emergency lights?

If you have any questions please don't hesitate to contact me.

Sincerely,

Clyde Alexander, Chairman
House Transportation Committee

CA/cj

Enclosures



Cheryl Jourdan,
Committee Clerk

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