

TRANSPORTATION CODE
SUBTITLE I. ENFORCEMENT OF TRAFFIC LAWS
CHAPTER 701. COUNTY TRAFFIC OFFICERS

Sec. 701.001. AUTHORIZATION. (a) Except as provided by Subsection (c), acting in conjunction with the sheriff of the county, the commissioners court of a county may employ not more than five regular deputies as county traffic officers.

(b) Except as provided by Subsection (c), the commissioners court may employ not more than two additional deputies as county traffic officers to aid the regular officers in special emergencies.

(c) The limitation on the number of deputies that may be employed under Subsections (a) and (b) does not apply to a county with a population of more than two million.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2005, 79th Leg., ch. 548, Sec. 1, eff. June 17, 2005.

Sec. 701.002. POWER TO ACT; GUIDANCE. (a) A county traffic officer:

(1) must be deputized by the sheriff or a constable of the county in which the officer is employed;

(2) must give a bond and take an oath of office as other deputy sheriffs;

(3) must work under the direction of the sheriff; and

(4) has the same right and duty as a deputy sheriff to arrest a person who violates a law.

(b) The district engineer of a Texas Department of Transportation district in which an officer operates shall advise the officer on enforcement of the state laws that regulate traffic on highways.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 701.003. DUTIES. (a) A county traffic officer shall:

(1) be a motorcycle rider when practicable;

(2) cooperate with the police department of each municipality in the county to enforce state traffic laws in that municipality and in the county;

(3) enforce state laws that regulate the operation of a motor vehicle on a highway, street, or alley; and

(4) remain on and patrol the highway at all times when performing the officer's duties.

(b) An officer may leave a highway only in pursuit of an offender the officer is unable to apprehend on the highway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 701.004. COMPENSATION. (a) The compensation to be paid a county traffic officer shall be set before the officer is employed.

(b) Salary paid to the officer is independent of a salary paid to the sheriff and sheriff's deputies who do not act as highway officers. Compensation for an officer may not be included in the sheriff's settlement in accounting for a fee of office or as salary paid to the sheriff or a sheriff's deputy.

(c) The commissioners court may provide necessary equipment for the officer at the county's expense. An officer's equipment may include a motorcycle and maintenance of that motorcycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 701.005. FEES. A fee may not be charged for a service of a county traffic officer.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 701.006. COMPLAINT; HEARING; DISMISSAL. (a) If a county traffic officer fails to perform the officer's duty to enforce the law, the district engineer of the Texas Department of Transportation district in which the officer operates may send a written, signed complaint to the commissioners court.

(b) On receipt of the complaint, the commissioners court shall hold a hearing and summon the officer to appear before it.

(c) If the commissioners court determines at the hearing that the officer has not performed the officer's duty, the commissioners court shall immediately discharge the officer and promptly employ another officer.

(d) The commissioners court on its own initiative, or on recommendation of the sheriff, may dismiss a county traffic officer if the officer is no longer needed or if the officer's service is unsatisfactory.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.