

By: Frazier, Bumgarner, Kitzman, Lujan,
et al.

H.B. No. 2681

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a fire department to remove certain
3 personal property from a roadway or right-of-way.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 545.3051(a), Transportation Code, is
6 amended by adding Subdivision (1-a) to read as follows:

7 (1-a) "Fire department" has the meaning assigned by
8 Section 419.021, Government Code.

9 SECTION 2. Section 545.3051, Transportation Code, is
10 amended by amending Subsections (b), (d), and (e) and adding
11 Subsection (f) to read as follows:

12 (b) An authority, a fire department, or a law enforcement
13 agency may remove personal property from a roadway or right-of-way
14 if the authority, fire department, or law enforcement agency
15 determines that the property blocks the roadway or endangers public
16 safety.

17 (d) The owner and any carrier of personal property removed
18 under this section shall reimburse the authority, fire department,
19 or law enforcement agency for any reasonable cost of removal and
20 disposition of the property.

21 (e) Notwithstanding any other provision of law, an
22 authority, a fire department, or a law enforcement agency is not
23 liable for:

24 (1) any damage to personal property removed from a

1 roadway or right-of-way under this section, unless the removal is
2 carried out recklessly or in a grossly negligent manner; or

3 (2) any damage resulting from the failure to exercise
4 the authority granted by this section.

5 (f) The governing body of a political subdivision that has a
6 fire department shall develop and implement a policy concerning the
7 fire department consulting with law enforcement agencies regarding
8 removal of personal property from a roadway or right-of-way.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.