BILL ANALYSIS

DIGEST AND PURPOSE

Currently, the Texas Department of Transportation is the only agency protected from liability when removing personal property from roadways. H.B. 647 authorizes law enforcement agencies to remove personal property from roadways and protects them from liability when performing this function.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 550, Transportation Code, by adding Subchapter F, as follows:

SUBCHAPTER F. AUTHORITY TO REMOVE PROPERTY FROM ROADWAY OR RIGHT-OF-WAY

Sec. 550.101. DEFINITION. Defines "personal property."

Sec. 550.102. AUTHORITY TO REMOVE PROPERTY GENERALLY. (a) Authorizes a law enforcement agency to remove personal property from a roadway or right-of-way if the law enforcement agency determines that the property blocks the roadway or endangers public safety.

(b) Authorizes a law enforcement agency to remove the personal property without the consent of the owner or carrier of the property.

Sec. 550.103. OWNER AND CARRIER RESPONSIBLE FOR COST OF REMOVAL AND DISPOSITION. Requires the owner and the carrier of personal property removed under Section 550.102 to reimburse a law enforcement agency for the cost of removal and disposition of the property.

Sec. 550.104. LAW ENFORCEMENT AGENCY NOT LIABLE FOR DAMAGES. Provides that, notwithstanding any other provision of law, a law enforcement agency and its officers and employees are not liable for any damage to personal property resulting from its removal or disposal by the law enforcement agency, unless the removal or disposal is carried out recklessly or in a grossly negligent manner, or for any damage resulting from the failure to exercise authority granted under Section 550.102.

SECTION 2. Effective date: September 1, 2003.