

BILL ANALYSIS

C.S.H.B. 647
By: E. Jones
Law Enforcement
Committee Report(Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Department of Transportation (TxDOT) is the only agency protected from liability when removing personal property from roadways. Under normal circumstances, TxDOT officials arrive in a timely manner to remove the property. However, if TxDOT is delayed and the property remains in the roadway, traffic may back up. This situation delays motorists, increases the risk of road accidents, and endangers law enforcement officials at the scene. C.S.H.B. 647 authorizes law enforcement agencies to remove personal property from roadways and protects them from liability when performing this function.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 647 amends Chapter 550 of the Transportation Code, "Accidents and Accident Reports", by adding Subchapter F, "Authority to Remove Property from Roadway or Right-of-Way". The bill defines personal property broadly as property of any kind, enumerating a damaged or disabled vehicle defined by Section 502.001, spilled cargo, and certain hazardous materials and substances. It authorizes a law enforcement agency to remove personal property without consent of the owner or carrier if it determines that the property blocks the roadway or endangers public safety. The bill provides that the owner or carrier of the property removed must reimburse the law enforcement agency for costs incurred in removal and disposal. Finally, it releases a law enforcement agency from liability for damages resulting from removal or disposal unless the removal or disposal was carried out in a reckless or grossly negligent manner.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 647 modifies the original by adding a damaged or disabled vehicle defined by Section 502.001 as an enumerated item under the definition of personal property.