

## **BILL ANALYSIS**

Senate Research Center

S.B. 165  
By: Carona  
Infrastructure Development and Security  
8/25/2003  
Enrolled

### **DIGEST AND PURPOSE**

Under current Texas law, the Texas Department of Transportation (TxDOT) is the only agency that is protected from liability when removing personal property that is blocking a roadway. If TxDOT is delayed, and traffic conditions worsen as a result of the blockage, law enforcement officials who seek to remove the personal property are not be protected from liability. S.B. 165 authorizes a law enforcement agency or authority to remove personal property from roadways, without the consent of the property's owner or carrier, upon determining that the property endangers public safety. Furthermore, S.B. 165 protects a law enforcement agency or authority from liability for damage to such property unless the removal is done recklessly or with gross negligence, and requires the owner and any carrier of the property to reimburse the agency for the cost of removal and disposition of the property. Finally, S.B. 165 protects a law enforcement agency or authority from liability for damage resulting from not moving the property.

### **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 Subchapter G, Chapter 545, Transportation Code, by adding Section 545.3051, as follows:

Sec. 545.3051. REMOVAL OF PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY. (a) Defines "authority," "law enforcement agency," and "personal property."

- (b) Authorizes an authority or a law enforcement agency to remove personal property from a roadway or right-of-way if the property blocks the roadway or endangers public safety.
- (c) Authorizes personal property to be removed without the consent of the owner or carrier of the property.
- (d) Requires the owner and any carrier of personal property removed to reimburse the authority or law enforcement agency for any reasonable cost of removal and disposition of the property.
- (e) Provides that, notwithstanding any other provision of law, an authority or a law enforcement agency will not be held liable for any damage to personal property removed under this section unless the removal is carried out recklessly or in a grossly negligent manner or for any damage resulting from the failure to exercise authority granted by this section.

SECTION 2. Effective date: upon passage or September 1, 2003.