

BILL ANALYSIS

S.B. 165
By: Carona
Law Enforcement
Committee Report (Unamended)

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. Senate Bill 165 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

Senate Bill 165 amends Chapter 545 of the Transportation Code by adding Section 545.3051, which 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, and 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. The bill defines "law enforcement agency" as the Department of Public Safety, the police department of a municipality, the sheriff's office of a county, or the constable's office of a county. The bill also defines "personal property" as a vehicle described by Section 545.305, spilled cargo, and certain hazardous materials and substances.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.