

BILL ANALYSIS

Senate Research Center

C.S.S.B. 165
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Infrastructure Development and Security
2/25/2003
Committee Report (Substituted)

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. C.S.S.B. 165 authorizes a law enforcement agency 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, C.S.S.B. 165 protects a law enforcement agency 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, C.S.S.B. 165 protects a law enforcement agency 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 Chapter 545G, Transportation Code, by adding Section 545.3051, as follows:

Sec. 545.3051. AUTHORITY TO REMOVE PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY. (a) Defines "law enforcement agency" and "personal property."

- (b) Authorizes 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 law enforcement agency for any reasonable cost of removal and disposition of the property.
- (e) Provides circumstances under which a law enforcement agency will not be held liable for property removed or for failure to exercise authority granted by this section.

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

SUMMARY OF COMMITTEE CHANGES

In SECTION 1, adds the constable's office of a county with a population of 3 million or more to the definition of "law enforcement agency" in Section 545.3051(a). Inserts the word "reasonable" in front of the word "cost" in Section 545.3051(d).