

By: Jones of Bexar

H.B. No. 647

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a law enforcement agency to remove  
3 property from a roadway.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 550, Transportation Code, is amended by  
6 adding Subchapter F to read as follows:

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

9 Sec. 550.101. DEFINITION. In this subchapter, "personal  
10 property" includes personal property of any kind, including:

11 (1) a vehicle, as defined by Section 502.001, that is  
12 damaged or disabled;

13 (2) spilled cargo;

14 (3) a hazardous material as defined by 49 U.S.C.  
15 Section 5102; and

16 (4) a hazardous substance as defined by Section  
17 26.263, Water Code.

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

22 (b) A law enforcement agency may remove the personal  
23 property without the consent of the owner or carrier of the  
24 property.

1       Sec. 550.103. OWNER AND CARRIER RESPONSIBLE FOR COST OF  
2 REMOVAL AND DISPOSITION. The owner and the carrier of personal  
3 property removed under Section 550.102 shall reimburse a law  
4 enforcement agency for the cost of removal and disposition of the  
5 property.

6       Sec. 550.104. LAW ENFORCEMENT AGENCY NOT LIABLE FOR  
7 DAMAGES. Notwithstanding any other provision of law, a law  
8 enforcement agency and its officers and employees are not liable  
9 for:

10           (1) any damage to personal property resulting from its  
11 removal or disposal by the law enforcement agency, unless the  
12 removal or disposal is carried out recklessly or in a grossly  
13 negligent manner; or

14           (2) any damage resulting from the failure to exercise  
15 authority granted under Section 550.102.

16       SECTION 2. This Act takes effect September 1, 2003.