

By: Jones of Bexar

H.B. No. 647

Substitute the following for H.B. No. 647:

By: Hegar

C.S.H.B. No. 647

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(2) spilled cargo;

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

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

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

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