

By: Jones of Bexar

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) spilled cargo;

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

(3) 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.

Sec. 550.103. OWNER AND CARRIER RESPONSIBLE FOR COST OF REMOVAL AND DISPOSITION. The owner and the carrier of personal

1 property removed under Section 550.102 shall reimburse a law  
2 enforcement agency for the cost of removal and disposition of the  
3 property.

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

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

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

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