

AN ACT

relating to the authority of certain law enforcement agencies and transportation authorities to remove certain personal property from a roadway or right-of-way.

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

SECTION 1. Subchapter G, Chapter 545, Transportation Code, is amended by adding Section 545.3051 to read as follows:

Sec. 545.3051. REMOVAL OF PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY. (a) In this section:

(1) "Authority" means:

(A) a metropolitan rapid transit authority operating under Chapter 451; or

(B) a regional transportation authority operating under Chapter 452.

(2) "Law enforcement agency" means:

(A) the department;

(B) the police department of a municipality;

(C) the sheriff's office of a county; or

(D) a constable's office of a county.

(3) "Personal property" means:

(A) a vehicle described by Section 545.305;

(B) spilled cargo;

(C) a hazardous material as defined by 49 U.S.C. Section 5102 and its subsequent amendments; or

1 (D) a hazardous substance as defined by Section
2 26.263, Water Code.

3 (b) An authority or a law enforcement agency may remove
4 personal property from a roadway or right-of-way if the authority
5 or law enforcement agency determines that the property blocks the
6 roadway or endangers public safety.

7 (c) Personal property may be removed under this section
8 without the consent of the owner or carrier of the property.

9 (d) The owner and any carrier of personal property removed
10 under this section shall reimburse the authority or law enforcement
11 agency for any reasonable cost of removal and disposition of the
12 property.

13 (e) Notwithstanding any other provision of law, an
14 authority or a law enforcement agency is not liable for:

15 (1) any damage to personal property removed from a
16 roadway or right-of-way under this section, unless the removal is
17 carried out recklessly or in a grossly negligent manner; or

18 (2) any damage resulting from the failure to exercise
19 the authority granted by this section.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 165 passed the Senate on March 5, 2003, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendment on May 21, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 165 passed the House, with amendment, on May 16, 2003, by the following vote: Yeas 147, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor