

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain law enforcement agencies 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. AUTHORITY TO REMOVE PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY. (a) In this section:

(1) "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.

(2) "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

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

(b) A law enforcement agency may remove personal property from a roadway or right-of-way if the agency determines that the property blocks the roadway or endangers public safety.

(c) Personal property may be removed under this section

1 without the consent of the owner or carrier of the property.

2 (d) The owner and any carrier of personal property removed  
3 under this section shall reimburse the law enforcement agency for  
4 any reasonable cost of removal and disposition of the property.

5 (e) Notwithstanding any other provision of law, a law  
6 enforcement agency is not liable for:

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

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

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