

BILL ANALYSIS

C.S.H.B. 1092
By: Smith, Wayne
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, counties do not have the authority to remove personal property that may be blocking a road or right-of-way or endangering public safety on a county road.

C.S.H.B. 1092 would allow to a county with a population of 3.3 million or more to remove personal property if the county has determined that the property blocks a roadway or right-of-way or endangers public safety.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 280, Transportation Code, by adding Section 280.002, which defines personal property to include personal property of any kind or character, including a motor vehicle.

It applies only to a county with a population of 3.3 million or more.

It authorizes a county to remove personal property, without the consent of the owner, from the right-of-way or roadway of a county road if the county determines the property blocks the right-of-way or roadway; or endangers public safety. The owner and the carrier of the personal property removed is required to reimburse a county for the costs of removal and disposition. Notwithstanding any other provision of law, a county and its officers, agents, and employees are not liable for any damage to personal property resulting from its removal or disposal by the county unless the removal or disposal is carried out recklessly or in a grossly negligent manner; or any damage resulting from the failure to exercise authority granted under this subchapter.

SECTION 2. Effective Date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds that the agents of a county are not liable for any damage to personal property resulting from its removal or disposal by the county; or damage resulting from the failure to exercise his or her authority.