

## **BILL ANALYSIS**

Senate Research Center

H.B. 1092  
By: Smith, Wayne (Gallegos)  
Intergovernmental Relations  
5/20/2005  
Committee Report (Amended)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

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.

H.B. 1092 allows 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**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 280, Transportation Code, by adding Section 280.002, as follows:

Sec. 280.002. **AUTHORITY OF CERTAIN COUNTIES TO REMOVE PROPERTY FROM COUNTY ROADS.** (a) Defines "personal property."

(b) Provides that this section applies only to a county with a population of 3.3 million or more.

(c) Authorizes a county to remove personal property 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, with an exception as provided by Subsection (g).

(d) Authorizes a county to remove the personal property without the consent of the owner or carrier of the property.

(e) Requires the owner and the carrier of personal property removed under this section to reimburse a county for the costs of removal and disposition.

(f) Provides that notwithstanding any other provision of law, a county and its officers, agents, and employees are not liable for certain damages.

(g) Prohibits a county from removing personal property of a public utility that is using the right-of-way or roadway of a county road to install, maintain, repair, or otherwise access a facility of the public utility.

SECTION 2. Effective date: upon passage or September 1, 2005.

### **SUMMARY OF COMMITTEE CHANGES**

#### **Committee Amendment No. 1**

Amends page 1, line 16, after "right of way" by inserting "for at least six hours".