

By: Talton

H.B. No. 857

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a municipality to require the removal
3 of certain vehicles from a freeway without the consent of the owner
4 or person in charge of the vehicle.

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

6 SECTION 1. Subchapter G, Chapter 545, Transportation Code,
7 is amended by adding Section 545.3055 to read as follows:

8 Sec. 545.3055. REMOVAL OF DISABLED VEHICLES FROM FREEWAY.

9 (a) In this section, "freeway" includes the entire public
10 right-of-way of a limited-access or controlled-access highway,
11 including a controlled-access roadway lane, ramp, or shoulder. The
12 term does not include a frontage road or a service road.

13 (b) This section does not apply to a vehicle that has
14 remained unattended for more than four hours, a vehicle that is
15 actually obstructing vehicular travel, or a vehicle that is
16 disabled to the extent that normal operation is impossible or
17 impractical, if the owner, operator, or person in charge of the
18 vehicle is incapacitated and unable to provide for the vehicle's
19 removal or custody or is not in the immediate vicinity of the
20 vehicle.

21 (c) Notwithstanding any other provision of this code or
22 other law, a municipality may not grant, by agreement or otherwise,
23 or authorize an officer or employee of the municipality to grant, by
24 agreement or otherwise, an exclusive right to one or more towing

1 companies to remove a disabled vehicle from a designated segment of
2 a freeway in the municipality without the consent of the owner,
3 operator, or person in charge of the vehicle.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.