

By: Smith of Harris

H.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to remove property from county roads.

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

SECTION 1. Chapter 280, Transportation Code, is amended by adding Section 280.002 to read as follows:

Sec. 280.002. AUTHORITY OF CERTAIN COUNTIES TO REMOVE PROPERTY FROM COUNTY ROADS. (a) In this section, "personal property" includes personal property of any kind or character, including a motor vehicle.

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

(c) Except as provided by Subsection (g), a county may remove personal property from the right-of-way or roadway of a county road if the county determines the property:

(1) blocks the right-of-way or roadway; or

(2) endangers public safety.

(d) A county may remove the personal property without the consent of the owner or carrier of the property.

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

(f) Notwithstanding any other provision of law, a county and its officers, agents, and employees are not liable for:

1 (1) any damage to personal property resulting from its
2 removal or disposal by the county unless the removal or disposal is
3 carried out recklessly or in a grossly negligent manner; or

4 (2) any damage resulting from the failure to exercise
5 authority granted under this subchapter.

6 (g) A county may not remove personal property of a public
7 utility that is using the right-of-way or roadway of a county road
8 to install, maintain, repair, or otherwise access a facility of the
9 public utility.

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