

By: Smith of Harris

H.B. No. 1092

Substitute the following for H.B. No. 1092:

By: Coleman

C.S.H.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of certain counties to remove property  
3 from county roads.

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

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

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

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

13 (c) A county may remove personal property from the  
14 right-of-way or roadway of a county road if the county determines  
15 the property:

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

17 (2) endangers public safety.

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

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

23 (f) Notwithstanding any other provision of law, a county and  
24 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           SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.