

1-1 By: Smith of Harris (Senate Sponsor-Gallegos) H.B. No. 1092
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2005, reported favorably, as
1-5 amended, by the following vote: Yeas 4, Nays 0; May 20, 2005, sent
1-6 to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Gallegos

1-8 Amend H.B. 1092 as follows:
1-9 On page 1, line 27, after "right-of-way" insert "for at least six
1-10 hours"

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to the authority of certain counties to remove property
1-14 from county roads.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Chapter 280, Transportation Code, is amended by
1-17 adding Section 280.002 to read as follows:

1-18 Sec. 280.002. AUTHORITY OF CERTAIN COUNTIES TO REMOVE
1-19 PROPERTY FROM COUNTY ROADS. (a) In this section, "personal
1-20 property" includes personal property of any kind or character,
1-21 including a motor vehicle.

1-22 (b) This section applies only to a county with a population
1-23 of 3.3 million or more.

1-24 (c) Except as provided by Subsection (g), a county may
1-25 remove personal property from the right-of-way or roadway of a
1-26 county road if the county determines the property:

1-27 (1) blocks the right-of-way or roadway; or

1-28 (2) endangers public safety.

1-29 (d) A county may remove the personal property without the
1-30 consent of the owner or carrier of the property.

1-31 (e) The owner and the carrier of personal property removed
1-32 under this section shall reimburse a county for the costs of removal
1-33 and disposition.

1-34 (f) Notwithstanding any other provision of law, a county and
1-35 its officers, agents, and employees are not liable for:

1-36 (1) any damage to personal property resulting from its
1-37 removal or disposal by the county unless the removal or disposal is
1-38 carried out recklessly or in a grossly negligent manner; or

1-39 (2) any damage resulting from the failure to exercise
1-40 authority granted under this subchapter.

1-41 (g) A county may not remove personal property of a public
1-42 utility that is using the right-of-way or roadway of a county road
1-43 to install, maintain, repair, or otherwise access a facility of the
1-44 public utility.

1-45 SECTION 2. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2005.

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