

1-1 By: Whitmire, et al. S.B. No. 340
1-2 (In the Senate - Filed February 3, 2005; February 7, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; February 14, 2005, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; February 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a municipality to require the removal
1-9 of certain vehicles from a freeway without the consent of the owner
1-10 or person in charge of the vehicle.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter G, Chapter 545, Transportation Code,
1-13 is amended by adding Section 545.3055 to read as follows:

1-14 Sec. 545.3055. REMOVAL OF DISABLED VEHICLES FROM FREEWAY.

1-15 (a) In this section, "freeway" includes the entire public
1-16 right-of-way of a limited-access or controlled-access highway,
1-17 including a controlled-access roadway lane, ramp, or shoulder. The
1-18 term does not include a frontage road or a service road.

1-19 (b) This section does not apply to a vehicle that has
1-20 remained unattended for more than four hours, a vehicle that is
1-21 actually obstructing vehicular travel, or a vehicle that is
1-22 disabled to the extent that normal operation is impossible or
1-23 impractical, if the owner, operator, or person in charge of the
1-24 vehicle is incapacitated and unable to provide for the vehicle's
1-25 removal or custody or is not in the immediate vicinity of the
1-26 vehicle.

1-27 (c) Notwithstanding any other provision of this code or
1-28 other law, a municipality may not grant, by agreement or otherwise,
1-29 or authorize an officer or employee of the municipality to grant, by
1-30 agreement or otherwise, an exclusive right to one or more towing
1-31 companies to remove a disabled vehicle from a designated segment of
1-32 a freeway in the municipality without the consent of the owner,
1-33 operator, or person in charge of the vehicle.

1-34 SECTION 2. This Act takes effect immediately if it receives
1-35 a vote of two-thirds of all the members elected to each house, as
1-36 provided by Section 39, Article III, Texas Constitution. If this
1-37 Act does not receive the vote necessary for immediate effect, this
1-38 Act takes effect September 1, 2005.

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