

By: Whitmire

S.B. No. 1061

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Department of Transportation
3 to review certain traffic programs of local authorities.

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

5 SECTION 1. Section 542.203, Transportation Code, is amended
6 by amending Subsection (a) and adding Subsection (d) to read as
7 follows:

8 (a) Unless permitted by agreement between the local
9 authority and the Texas Department of Transportation under Section
10 221.002, a [A] local authority may not:

11 (1) erect or maintain a traffic-control device to
12 direct the traffic on a state highway, including a farm-to-market
13 or ranch-to-market road, to stop or yield before entering or
14 crossing an intersecting highway; or

15 (2) establish a transportation or mobility
16 enhancement program on a state highway, including a farm-to-market
17 or ranch-to-market road, such as a program by which the
18 municipality receives revenue for towing of vehicles located on the
19 highway [~~unless permitted by agreement between the local authority~~
20 ~~and the Texas Department of Transportation under Section 221.002].~~

21 (d) The Texas Department of Transportation shall establish
22 rules related to an agreement with a municipality to establish a
23 transportation or mobility enhancement program under Subsection
24 (a)(2). The rules must:

- 1 (1) establish reasonable charges for the program;
2 (2) require separate disclosure of any towing,
3 storage, attorney's fees, or other fees;
4 (3) require that no attorney's fee may be charged to
5 the owner of a vehicle if the vehicle is claimed within 30 days of
6 the date of notice to the last registered owner of the vehicle that
7 the vehicle has been removed from a highway; and
8 (4) require that a vehicle removed from a highway
9 through a transportation or mobility enhancement program
10 established under this section may not be sold at a public auction
11 or used as provided by Section 683.016 within 30 days of the date of
12 notice to the last registered owner of the vehicle that the vehicle
13 has been removed from a highway.

14 SECTION 2. This Act takes effect September 1, 2005.