

1-1 By: Whitmire S.B. No. 1061
1-2 (In the Senate - Filed March 7, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 4, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 4, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1061 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of the Texas Department of Transportation
1-11 to review certain traffic programs of local authorities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 542.203, Transportation Code, is amended
1-14 by amending Subsection (a) and adding Subsection (d) to read as
1-15 follows:

1-16 (a) Unless permitted by agreement between the local
1-17 authority and the Texas Department of Transportation under Section
1-18 221.002, a [A] local authority may not:

1-19 (1) erect or maintain a traffic-control device to
1-20 direct the traffic on a state highway, including a farm-to-market
1-21 or ranch-to-market road, to stop or yield before entering or
1-22 crossing an intersecting highway; or

1-23 (2) establish a transportation or mobility
1-24 enhancement program on a state highway, including a farm-to-market
1-25 or ranch-to-market road, such as a program by which the
1-26 municipality receives revenue for towing of vehicles located on the
1-27 highway [unless permitted by agreement between the local authority
1-28 and the Texas Department of Transportation under Section 221.002].

1-29 (d) The Texas Department of Transportation shall establish
1-30 rules related to an agreement with a municipality to establish a
1-31 transportation or mobility enhancement program under Subsection
1-32 (a)(2). The rules must:

1-33 (1) establish reasonable charges for the program;

1-34 (2) require separate disclosure of any towing,
1-35 storage, attorney's fees, or other fees;

1-36 (3) require that no attorney's fee may be charged to
1-37 the owner of a vehicle if the vehicle is claimed within 30 days of
1-38 the date of notice to the last registered owner of the vehicle that
1-39 the vehicle has been removed from a highway; and

1-40 (4) require that a vehicle removed from a highway
1-41 through a transportation or mobility enhancement program
1-42 established under this section may not be sold at a public auction
1-43 or used as provided by Section 683.016 within 30 days of the date of
1-44 notice to the last registered owner of the vehicle that the vehicle
1-45 has been removed from a highway.

1-46 SECTION 2. This Act takes effect September 1, 2005.

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