

BILL ANALYSIS

C.S.H.B. 2931
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Border & International Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Over the past several years, many landowners with property adjacent to highways and county roads in Southwest Texas have had problems with people crashing through their fences and abandoning their automobiles in their pastures. This usually occurs when they are being pursued by the U.S. Border Patrol or other law enforcement agents. Landowners are rarely reimbursed for the costs to repair the fences caused during these pursuits. There are usually additional expenses involved if there is any livestock or other game animals that escape through the damaged fence. C.S.H.B. 2931 authorizes a landowner to place a lien on a vehicle that has caused damage to a landowner's fence.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2931 amends the Property Code to authorize a real property owner to obtain a lien against a motor vehicle that has caused damage to the landowner's fence. The lien is only applicable if the driver of the vehicle was the vehicle's owner or had consent of the owner to drive the vehicle at the time the fence was damaged. The lien is equal to the lesser of the fair market value of the motor vehicle on the date the fence was damaged or the actual cost incurred by the landowner to fix the fence, recapture any livestock that may have escaped as a result of the damaged fence, and have the vehicle towed from the property and stored. The lien attaches only to the vehicle that actually caused the damage to the fence. The lien does not expire and is discharged only when the landowner receives payment of the lien. The bill authorizes a landowner whose fence is damaged by a motor vehicle that is then abandoned on the owner's property to select a towing service to remove the vehicle from the landowner's property and designate the time at which the towing service may enter the property to remove the vehicle.

The bill amends the Local Government Code to require a peace officer investigating or responding to what the peace officer reasonably believes is a livestock or animal containing fence damaged by a motor vehicle, to immediately determine the owner of the land and notify the landowner of the type and extent of the damage, if the landowner voluntarily provides information required by this Act to properly notify the landowner in the event of such situations. The peace officer is not liable for failure to notify the landowner or any other person.

The bill also provides for the application of this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by adding the cost to have the vehicle towed from the property and stored, when determining the amount of the lien under this Act. The substitute also differs from the original by authorizing a landowner whose fence is damaged by a motor vehicle that is then abandoned on the owner's property to select a towing service to remove the vehicle

from the landowner's property and designate the time at which the towing service may enter the property to remove the vehicle.