

By: Smith of Harris

H.B. No. 1420

A BILL TO BE ENTITLED

AN ACT

relating to the removal of property from county roads by certain counties.

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

SECTION 1. Sections 280.002(c), (d), and (g), Transportation Code, are amended to read as follows:

(c) Except as provided by Subsection (g), a county commissioner may order the removal of ~~remove~~ personal property by the county from the right-of-way or roadway of a county road if the county commissioner determines the property:

(1) blocks the right-of-way or roadway for at least six hours; or

(2) endangers public safety.

(d) A county commissioner may order the removal of ~~remove~~ the personal property by the county without the consent of the owner or carrier of the property.

(g) A county commissioner may not order the removal of ~~remove~~ personal property of a public utility that is using the right-of-way or roadway of a county road to install, maintain, repair, or otherwise access a facility of the public utility.

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

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1 Act takes effect September 1, 2007.