

1-1 By: King of Zavala (Senate Sponsor - Zaffirini) H.B. No. 2931
1-2 (In the Senate - Received from the House April 23, 2007;
1-3 April 26, 2007, read first time and referred to Committee on
1-4 Natural Resources; May 11, 2007, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 11, 2007, sent to printer.)

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

1-8 relating to required notice of and a lien resulting from damage to a
1-9 fence.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 70, Property Code, is amended by adding
1-12 Subchapter F to read as follows:

1-13 SUBCHAPTER F. LIEN RELATED TO DAMAGED FENCE

1-14 Sec. 70.501. LANDOWNER'S LIEN. A person who owns real
1-15 property in this state that is enclosed by a fence or other
1-16 structure obviously designed to exclude intruders or to contain
1-17 livestock or other animals may obtain from a court in this state a
1-18 judgment entitling the person to a lien against the motor vehicle of
1-19 a person who damages the landowner's fence with the motor vehicle if
1-20 the person who damages the landowner's fence:

1-21 (1) owns the motor vehicle; or

1-22 (2) has the consent of the owner of the motor vehicle
1-23 to drive the vehicle at the time the person damages the landowner's
1-24 fence.

1-25 Sec. 70.502. AMOUNT OF LIEN. The amount of a landowner's
1-26 lien under this subchapter is equal to the lesser of:

1-27 (1) the fair market value of the motor vehicle on the
1-28 date the landowner's fence is damaged; or

1-29 (2) the actual cost incurred by the landowner to:

1-30 (A) repair the fence;

1-31 (B) recapture any livestock or other animals that
1-32 escaped as a direct result of the damage to the fence; and

1-33 (C) have the vehicle towed from the property and
1-34 stored.

1-35 Sec. 70.503. PROPERTY TO WHICH LIEN ATTACHES. A
1-36 landowner's lien under this chapter attaches only to a motor
1-37 vehicle that causes damage to a fence as described by Section
1-38 70.501.

1-39 Sec. 70.504. PERFECTING LIEN. A landowner may perfect a
1-40 lien under this subchapter in the manner provided by Subchapter F,
1-41 Chapter 501, Transportation Code.

1-42 Sec. 70.505. EXPIRATION AND DISCHARGE OF LIEN. A lien under
1-43 this subchapter does not expire and is discharged only when the
1-44 landowner receives payment of the lien.

1-45 Sec. 70.506. REMOVAL OF VEHICLE FROM LANDOWNER'S PROPERTY.
1-46 A landowner whose fence is damaged by a motor vehicle that is then
1-47 abandoned on the owner's property, or the landowner's agent, may:

1-48 (1) select a towing service to remove the vehicle from
1-49 the landowner's property; and

1-50 (2) designate the time at which the towing service may
1-51 enter the property to remove the vehicle.

1-52 SECTION 2. Chapter 370, Local Government Code, is amended
1-53 by adding Section 370.004 to read as follows:

1-54 Sec. 370.004. NOTICE OF DAMAGED FENCE. (a) A peace officer
1-55 employed by a political subdivision of this state who investigates
1-56 or responds to an incident in which a motor vehicle damages a fence
1-57 shall, if the peace officer reasonably believes that the fence is
1-58 intended to contain livestock or other animals:

1-59 (1) immediately determine the owner of the land on
1-60 which the damaged fence is located; and

1-61 (2) notify the owner of the type and extent of the
1-62 damage, if the owner has registered with the political subdivision
1-63 in accordance with Subsection (c).

1-64 (b) A peace officer is not liable to an owner of land or any

2-1 other person for damage resulting from the peace officer's failure
2-2 to notify the owner under Subsection (a).

2-3 (c) A landowner must provide an agency or department of a
2-4 political subdivision that employs peace officers with the
2-5 following information if the landowner would like a peace officer
2-6 of that agency or department to notify the landowner of damage under
2-7 Subsection (a):

2-8 (1) the landowner's name, address, and telephone
2-9 number; and

2-10 (2) the location and a description of the landowner's
2-11 property.

2-12 SECTION 3. Subchapter F, Chapter 70, Property Code, as
2-13 added by this Act, applies only to damage to a fence or other
2-14 enclosure that is caused on or after the effective date of this Act.
2-15 Damage to a fence or other enclosure that is caused before the
2-16 effective date of this Act is governed by the law in effect at the
2-17 time the fence or other enclosure was damaged, and that law is
2-18 continued in effect for that purpose.

2-19 SECTION 4. This Act takes effect September 1, 2007.

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