

By: King of Zavala

H.B. No. 2896

A BILL TO BE ENTITLED

AN ACT

relating to duties of law enforcement involving damaged fences and to compensation to property owners for property damage resulting from vehicular pursuit.

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

SECTION 1. Section 370.004, Local Government Code, is amended to read as follows:

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

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

(2) notify the owner of the type and extent of the damage, if the owner has registered with the political subdivision in accordance with Subsection (b); and

(3) remain at the location of the damaged fence until the landowner or landowner's representative arrives at the scene ~~[(c)]~~.

~~(b) [A peace officer is not liable to an owner of land or any other person for damage resulting from the peace officer's failure to notify the owner under Subsection (a)].~~

~~[(c)]~~ A landowner must provide an agency or department of a

1 political subdivision that employs peace officers with the  
2 following information if the landowner would like a peace officer  
3 of that agency or department to notify the landowner of damage under  
4 Subsection (a):

5 (1) the landowner's name, address, and telephone  
6 number; and

7 (2) the location and a description of the landowner's  
8 property.

9 SECTION 2. Sections 683.015(f) and (g), Transportation  
10 Code, are amended to read as follows:

11 (f) A county law enforcement agency shall ~~[may]~~ use funds  
12 received from the sale of a motor vehicle abandoned as a result of a  
13 vehicular pursuit involving the law enforcement agency and  
14 transferred under Subsection (d) to compensate property owners  
15 whose property was damaged as a result of the pursuit, regardless of  
16 whether the agency would be liable under Chapter 101, Civil  
17 Practice and Remedies Code. A payment for compensation under this  
18 subsection may not exceed any of the following amounts:

19 (1) the net proceeds received from the sale of the  
20 motor vehicle abandoned as a result of the pursuit;

21 (2) \$1,000 per property owner, if more than one  
22 property owner's property is damaged as a result of the pursuit; or

23 (3) the amount of the property owner's insurance  
24 deductible.

25 (g) Before a law enforcement agency compensates ~~[may~~  
26 ~~compensate]~~ a property owner under Subsection (f) using funds  
27 transferred to a county under Subsection (d), the sheriff or

1 constable must submit the proposed payment for compensation for  
2 consideration, and the commissioners court shall approve  
3 [~~consider~~] the proposed payment for compensation, at the next  
4 regularly scheduled meeting of the commissioners court.

5 SECTION 3. The changes in law made by this Act apply to  
6 funds received from the sale of a motor vehicle abandoned as a  
7 result of a vehicular pursuit involving a law enforcement agency  
8 and transferred under Section 683.015, Transportation Code, on or  
9 after the effective date of this Act.

10 SECTION 4. This Act takes effect September 1, 2011.