

By: Miller, Zerwas, Reynolds

H.B. No. 2482

Substitute the following for H.B. No. 2482:

By: Hunter

C.S.H.B. No. 2482

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to operate a roadway clearance program; creating an offense.

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

SECTION 1. Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.210 to read as follows:

Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN COUNTIES; OFFENSE. (a) In this section, "freeway" has the meaning assigned by Section 541.302, Transportation Code.

(b) The commissioners court of a county adjacent to a county with a population of more than 3.3 million by order may establish a program:

(1) for maintaining the safe movement of traffic on county freeways; and

(2) under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to:

(A) remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic; and

(B) relocate the vehicle to the closest safe location for the vehicle to be stored.

(c) An order under Subsection (b) must ensure the protection

1 of the public and the safe and efficient operation of towing and  
2 storage services in the county.

3 (d) The commissioners court of a county operating a program  
4 under this section:

5 (1) may enter into an agreement with a federal agency,  
6 state agency, municipality, adjacent county, metropolitan rapid  
7 transit authority, or regional planning organization or any other  
8 governmental entity for the purpose of carrying out the program;  
9 and

10 (2) may apply for grants and other funding to carry out  
11 the program.

12 (e) A towing company or towing operator commits an offense  
13 if the company or operator violates a provision of an order  
14 establishing a program under this section relating to:

15 (1) the presence of a tow truck at the scene of an  
16 incident on a freeway or other area under the jurisdiction of the  
17 program; or

18 (2) the offering of towing or related services on a  
19 freeway or other area under the jurisdiction of the program.

20 (f) An offense under Subsection (e) is a misdemeanor  
21 punishable by a fine of not less than \$1 or more than \$200.

22 SECTION 2. This Act takes effect September 1, 2017.