

By: Goldman

H.B. No. 3223

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability for the sale or transfer of law enforcement
3 vehicles before removal of certain equipment and insignia;
4 providing civil penalties.

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

6 SECTION 1. Section 272.006, Local Government Code, is
7 amended by adding Subsections (d), (e), and (f) to read as follows:

8 (d) A political subdivision that sells or transfers a marked
9 patrol car or other law enforcement motor vehicle to the public in
10 violation of this section is liable:

11 (1) for damages proximately caused by the use of that
12 vehicle during the commission of a crime; and

13 (2) to this state for a civil penalty of \$1,000.

14 (e) The attorney general may bring an action to recover the
15 civil penalty imposed under Subsection (d)(2).

16 (f) Governmental immunity to suit and from liability is
17 waived and abolished to the extent of liability created by
18 Subsection (d).

19 SECTION 2. Subchapter C, Chapter 728, Transportation Code,
20 is amended by adding Section 728.022 to read as follows:

21 Sec. 728.022. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE.

22 (a) A person may not sell or transfer a marked patrol car or other
23 law enforcement motor vehicle to the public unless the person first
24 removes any equipment or insignia that could mislead a reasonable

1 person to believe that the vehicle is a law enforcement motor
2 vehicle, including any police light, siren, amber warning light,
3 spotlight, grill light, antenna, emblem, outline of an emblem, or
4 emergency vehicle equipment.

5 (b) A person may not sell or transfer a marked patrol car or
6 other law enforcement motor vehicle to a security services
7 contractor who is regulated by the Department of Public Safety and
8 licensed under Chapter 1702, Occupations Code, unless each emblem
9 or insignia that identifies the vehicle as a law enforcement motor
10 vehicle is removed before the sale or transfer.

11 (c) A person who sells or transfers a marked patrol car or
12 other law enforcement motor vehicle to the public in violation of
13 this section is liable:

14 (1) for damages proximately caused by the use of that
15 vehicle during the commission of a crime; and

16 (2) to this state for a civil penalty of \$1,000.

17 (d) The attorney general may bring an action to recover the
18 civil penalty imposed under Subsection (c)(2).

19 SECTION 3. The changes in law made by this Act apply only to
20 a violation that occurs on or after the effective date of this Act.
21 A violation that occurs before the effective date of this Act is
22 governed by the law in effect on the date the violation occurred,
23 and the former law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2017.