

1-1 By: Goldman, et al. (Senate Sponsor - Zaffirini) H.B. No. 3223  
 1-2 (In the Senate - Received from the House May 8, 2017;  
 1-3 May 9, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 17, 2017, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to liability for the sale or transfer of law enforcement  
 1-20 vehicles before removal of certain equipment and insignia;  
 1-21 providing civil penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 272.006, Local Government Code, is  
 1-24 amended by adding Subsections (d), (e), and (f) to read as follows:

1-25 (d) A political subdivision that sells or transfers a marked  
 1-26 patrol car or other law enforcement motor vehicle to the public in  
 1-27 violation of this section is liable:

1-28 (1) for damages proximately caused by the use of that  
 1-29 vehicle during the commission of a crime; and

1-30 (2) to this state for a civil penalty of \$1,000.

1-31 (e) The attorney general may bring an action to recover the  
 1-32 civil penalty imposed under Subsection (d)(2).

1-33 (f) Governmental immunity to suit and from liability is  
 1-34 waived and abolished to the extent of liability created by  
 1-35 Subsection (d).

1-36 SECTION 2. Subchapter C, Chapter 728, Transportation Code,  
 1-37 is amended by adding Section 728.022 to read as follows:

1-38 Sec. 728.022. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE.

1-39 (a) A person may not sell or transfer a marked patrol car or other  
 1-40 law enforcement motor vehicle to the public unless the person first  
 1-41 removes any equipment or insignia that could mislead a reasonable  
 1-42 person to believe that the vehicle is a law enforcement motor  
 1-43 vehicle, including any police light, siren, amber warning light,  
 1-44 spotlight, grill light, antenna, emblem, outline of an emblem, or  
 1-45 emergency vehicle equipment.

1-46 (b) A person may not sell or transfer a marked patrol car or  
 1-47 other law enforcement motor vehicle to a security services  
 1-48 contractor who is regulated by the Department of Public Safety and  
 1-49 licensed under Chapter 1702, Occupations Code, unless each emblem  
 1-50 or insignia that identifies the vehicle as a law enforcement motor  
 1-51 vehicle is removed before the sale or transfer.

1-52 (c) A person who sells or transfers a marked patrol car or  
 1-53 other law enforcement motor vehicle to the public in violation of  
 1-54 this section is liable:

1-55 (1) for damages proximately caused by the use of that  
 1-56 vehicle during the commission of a crime; and

1-57 (2) to this state for a civil penalty of \$1,000.

1-58 (d) The attorney general may bring an action to recover the  
 1-59 civil penalty imposed under Subsection (c)(2).

1-60 SECTION 3. The changes in law made by this Act apply only to  
 1-61 a violation that occurs on or after the effective date of this Act.

2-1 A violation that occurs before the effective date of this Act is  
2-2 governed by the law in effect on the date the violation occurred,  
2-3 and the former law is continued in effect for that purpose.  
2-4 SECTION 4. This Act takes effect September 1, 2017.

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