

1-1 By: Johnson S.B. No. 1413
 1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1413 By: Eckhardt

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of a fire department to remove certain
 1-22 personal property from a roadway or right-of-way.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 545.3051(a), Transportation Code, is
 1-25 amended by adding Subdivision (1-a) to read as follows:

1-26 (1-a) "Fire department" has the meaning assigned by
 1-27 Section 419.021, Government Code.

1-28 SECTION 2. Section 545.3051, Transportation Code, is
 1-29 amended by amending Subsections (b), (d), and (e) and adding
 1-30 Subsection (f) to read as follows:

1-31 (b) An authority, a fire department, or a law enforcement
 1-32 agency may remove personal property from a roadway or right-of-way
 1-33 if the authority, fire department, or law enforcement agency
 1-34 determines that the property blocks the roadway or endangers public
 1-35 safety.

1-36 (d) The owner and any carrier of personal property removed
 1-37 under this section shall reimburse the authority, fire department,
 1-38 or law enforcement agency for any reasonable cost of removal and
 1-39 disposition of the property.

1-40 (e) Notwithstanding any other provision of law, an
 1-41 authority, a fire department, or a law enforcement agency is not
 1-42 liable for:

1-43 (1) any damage to personal property removed from a
 1-44 roadway or right-of-way under this section, unless the removal is
 1-45 carried out recklessly or in a grossly negligent manner; or

1-46 (2) any damage resulting from the failure to exercise
 1-47 the authority granted by this section.

1-48 (f) The governing body of a political subdivision that has a
 1-49 fire department shall develop and implement a policy concerning the
 1-50 fire department consulting with law enforcement agencies regarding
 1-51 removal of personal property from a roadway or right-of-way.

1-52 SECTION 3. This Act takes effect immediately if it receives
 1-53 a vote of two-thirds of all the members elected to each house, as
 1-54 provided by Section 39, Article III, Texas Constitution. If this
 1-55 Act does not receive the vote necessary for immediate effect, this
 1-56 Act takes effect September 1, 2023.

1-57 * * * * *