

AN ACT

relating to the authority of certain law enforcement agencies and transportation authorities to remove certain personal property from a roadway or right-of-way.

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

SECTION 1. Subchapter G, Chapter 545, Transportation Code, is amended by adding Section 545.3051 to read as follows:

Sec. 545.3051. REMOVAL OF PERSONAL PROPERTY FROM ROADWAY OR RIGHT-OF-WAY. (a) In this section:

(1) "Authority" means:

(A) a metropolitan rapid transit authority operating under Chapter 451; or

(B) a regional transportation authority operating under Chapter 452.

(2) "Law enforcement agency" means:

(A) the department;

(B) the police department of a municipality;

(C) the sheriff's office of a county; or

(D) a constable's office of a county.

(3) "Personal property" means:

(A) a vehicle described by Section 545.305;

(B) spilled cargo;

(C) a hazardous material as defined by 49 U.S.C.

Section 5102 and its subsequent amendments; or

1           (D) a hazardous substance as defined by Section  
2 26.263, Water Code.

3           (b) An authority or a law enforcement agency may remove  
4 personal property from a roadway or right-of-way if the authority  
5 or law enforcement agency determines that the property blocks the  
6 roadway or endangers public safety.

7           (c) Personal property may be removed under this section  
8 without the consent of the owner or carrier of the property.

9           (d) The owner and any carrier of personal property removed  
10 under this section shall reimburse the authority or law enforcement  
11 agency for any reasonable cost of removal and disposition of the  
12 property.

13           (e) Notwithstanding any other provision of law, an  
14 authority or a law enforcement agency is not liable for:

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

18                 (2) any damage resulting from the failure to exercise  
19 the authority granted by this section.

20           SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2003.

David Newhurst  
President of the Senate

Jim Cusick  
Speaker of the House

I hereby certify that S.B. No. 165 passed the Senate on March 5, 2003, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendment on May 21, 2003, by the following vote: Yeas 31, Nays 0.

Amy Saw  
Secretary of the Senate

I hereby certify that S.B. No. 165 passed the House, with amendment, on May 16, 2003, by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

20 JUN 103  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 PM O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State