

- SUBJECT:** Allowing certain peace officers to remove certain property from roadways
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 7 ayes — B. Turner, Berman, Driver, Gutierrez, Hupp, Isett, Villarreal
0 nays
2 absent — Keel, P. King
- SENATE VOTE:** On final passage, May 3 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** *(On companion bill, HB 2750:)*
For — Cris Anderson, San Antonio Police Officers’ Association; Tom Polonis, San Antonio Police Department; Ray Ybaro for Chief of Police Al Philippus, Texas Police Chiefs’ Association, San Antonio Police Department; Larry Zacharias, City of Richardson
Against — None
- BACKGROUND:** Transportation Code, sec. 545.305 establishes that a peace officer or a Texas Department of Transportation license and weight inspector may remove or require a person in charge of a vehicle to remove a vehicle that is blocking a roadway or that otherwise poses a threat to public safety.
- DIGEST:** SB 1020 would amend the Transportation Code to authorize the Department of Public Safety, a municipal police department, or a sheriff’s office to remove personal property, including a vehicle, spilled cargo, or hazardous materials or substances from a roadway or right-of-way if the agency determined that the property was blocking the roadway or was a danger to public safety.

The property could be removed without the owner’s consent, and the owner or carrier of the property would be required to reimburse the law enforcement agency for removal and disposition of the property.

A law enforcement agency would not be liable for any damage to the property unless the removal were done recklessly or with gross negligence. Nor would an agency be liable for any damage that resulted from a failure to remove the property.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

NOTES:

The companion bill, HB 2750 by E. Jones, passed the House on the Local, Consent, and Resolutions Calendar on April 10 and was referred to the Senate State Affairs Committee on April 24.