

SUBJECT: Authorizing a freeway clearance program for counties

COMMITTEE: County Affairs — committee substitute recommended

VOTE: *After recommitted:*
5 ayes — Coleman, Springer, Biedermann, Thierry, Uresti

1 nay — Stickland

3 absent — Hunter, Neave, Roberts

WITNESSES: *March 30 public hearing:*
For — W. A. "Andy" Meyers, Fort Bend County Texas; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify:* Emily Hodges, Robert Pechukas, and Jim Short, Fort Bend County; CJ Tredway, Texas Towing and Storage Association)

Against — None

On — (*Registered, but did not testify:* Brian Francis, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code, ch. 2308 regulates vehicle towing and booting.

Transportation Code, sec. 545.3051 authorizes an authority or law enforcement agency to remove a vehicle from a roadway or right-of-way if the entity determines that the vehicle blocks the roadway or endangers public safety. The authority may remove personal property of an owner without consent. The owner is responsible for reimbursing the authority for the reasonable costs of the removal of personal property.

DIGEST: CSHB 2482 would allow a county commissioners court adjacent to a county with a population of more than 3.3 million to create a program for maintaining safe movement of traffic on county freeways. The program would allow a peace officer to direct, either in person or remotely, a towing company to relocate a vehicle that was impeding safe movement

of traffic on a freeway, including the shoulder of a freeway, to the closest safe location for storage.

The bill would allow the commissioners court operating the program to enter into an agreement with any governmental entity to carry out the program. The commissioners court also could apply for grants and other funding to carry out the program.

The bill would create a misdemeanor offense for a towing company or towing operator that violated an order established by the program as it related to the presence of a tow truck at the scene of an incident or offering towing or related services on a freeway or other area under the jurisdiction of the program. The offense would be punishable by a maximum fine of \$200.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSHB 2482 would allow Fort Bend County to operate a roadway clearing program through a local agreement with surrounding counties. The program would protect motorists by ensuring that freeways were kept clear of vehicles impeding traffic. A significant number of accidents on freeways result from disabled vehicles blocking the flow of traffic, and this bill would help keep roads safer by directly addressing this problem.

The bill would help ease congestion on freeways. Congestion negatively affects the daily lives of citizens through increased fuel use and subsequent pollution, as well as less time at work and with family and friends.

CSHB 2482 would allow for federal grants to fund the program. This would mean that no charge would be passed on to the vehicle owner for towing a disabled vehicle to a safe location.

The bill would save law enforcement money and time. Typically law enforcement officers travel to the location of incidents of disabled

vehicles. The program would allow an officer to remotely authorize a tow, freeing up police to attend to other serious matters.

OPPONENTS
SAY:

CSHB 2482 would allow the removal of a vehicle without the owner's consent if it was determined that the vehicle was disabled or abandoned. If a vehicle owner had temporarily left the vehicle for gas or to fix a flat tire, the owner could return to find the vehicle towed and subsequently have to pay a tow fee.

Some terms in the bill are vague and could leave room for unintended consequences. The bill would not clearly define "closest safe location," nor would it give guidance in describing a location to which a vehicle would be towed. The location could be defined as a tow yard, in which case the owner might have to pay additional fees.

NOTES:

CSHB 2482 was reported favorably by the House County Affairs Committee on April 12, placed on the general state calendar for May 3, recommitted to committee, and reported favorably again on May 5.