

BILL ANALYSIS

Senate Research Center

S.B. 902
By: Gallegos
Jurisprudence
3-12-97
As Filed

DIGEST

Currently, under Chapter 472, Transportation Code, the Department of Transportation (department) is authorized to remove personal property from the right-of-way or roadway of the state highway system if the department determines the property blocks the roadway or endangers public safety. Additionally, this chapter provides that the department is not liable for such removal of personal property unless the removal was conducted in a grossly negligent manner. The definition of "personal property" that is applicable to this chapter does not include a vehicle as defined by Section 502.001, Transportation Code. Section 502.001 defines "vehicle" as a "device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks." Approximately 60 percent of traffic congestion is caused by delays caused by an accident, a stalled vehicle, or some other vehicular incident. Moving damaged or disabled vehicles from the right-of-way or roadway of the state highway system would increase safety and reduce some of the congestion. This bill would include in the definition of "personal property" the definition of a "vehicle" that is damaged or disabled, as defined by Section 502.001, Transportation Code, in order to authorize the department to remove such vehicles with threat of limited liability.

PURPOSE

As proposed, S.B. 902 includes in the definition of "personal property," as defined under Chapter 472, Transportation Code, the definition of a "vehicle" that is damaged or disabled, as defined by Section 502.001, Transportation Code, in order to authorize the Department of Transportation to remove such vehicles from the right-of-way or roadway of the state highway system.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 472.011, Transportation Code, to redefine "personal property."

SECTION 2. Amends Section 472.014, Transportation Code, to provide that notwithstanding any other provision of law, the Department of Transportation and its officers and employees are not liable for certain damages.

SECTION 3. Emergency clause.
Effective date: upon passage.