

BILL ANALYSIS

Senate Research Center

H.B. 473
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the sale or transfer to the public of certain government property is authorized and may include marked patrol cars or other law enforcement vehicles. Concerns have been raised about the lack of statutory requirements to fully decommission a marked patrol car or other law enforcement vehicle prior to the sale of the vehicle to the public. Interested parties assert that this lack of requirements may cause unnecessary confusion for members of the public in discerning official law enforcement vehicles. H.B. 473 seeks to protect citizens from such confusion.

H.B. 473 amends current law relating to a prohibition on the sale or transfer of certain law enforcement vehicles before removal of certain equipment and insignia.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 2175, Government Code, by adding Section 2175.908, as follows:

Sec. 2175.908. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Prohibits the Texas Facilities Commission or another state agency, including an agency delegated the authority to dispose of surplus or salvage property under Section 2175.065 (Delegation of Authority to State Agency), except as provided by Subsection (b), from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the state agency first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, and emergency vehicle equipment.

(b) Prohibits TFC or another state agency, including an agency delegated the authority to dispose of surplus or salvage property under Section 2175.065, from selling or transferring a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety of the State of Texas (DPS) and licensed under Chapter 1702 (Private Security), Occupations Code, unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

SECTION 2. Amends Section 2175.304, Government Code, by adding Subsection (f) to provide that Section 2175.908 applies to a university system or institution or agency of higher education included within the definition of "state agency" under Section 2151.002 (Definition).

SECTION 3. Amends Chapter 272, Local Government Code, by adding Section 272.006, as follows:

Sec. 272.006. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Defines "political subdivision" in this section.

(b) Prohibits a political subdivision from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the political subdivision first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment.

(c) Prohibits a political subdivision from selling or transferring a marked patrol car or other political subdivision law enforcement motor vehicle to a security services contractor who is regulated by DPS and licensed under Chapter 1702, Occupations Code, unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

SECTION 4. Effective date: September 1, 2015.