

## **BILL ANALYSIS**

C.S.H.B. 473  
By: Giddings  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.H.B. 473 seeks to protect citizens from such confusion.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 473 amends the Government Code and Local Government Code to prohibit the Texas Facilities Commission (TFC), another state agency, including an agency to which the TFC delegates authority to dispose of surplus or salvage property, a municipality, and a county from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the state agency, municipality, or county, as applicable, 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. The bill prohibits those entities from selling or transferring a marked patrol car or other law enforcement vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under the Private Security Act unless each emblem or insignia that identifies the vehicle as a law enforcement vehicle is removed before the sale or transfer.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 473 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter Z, Chapter 2175, Government Code, is amended by adding Section 2175.907 to read as follows:

Sec. 2175.907. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. The commission or another state agency, including an agency delegated the authority to dispose of surplus or salvage property under Section 2175.065, may not sell or transfer 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.

SECTION 2. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.9045 to read as follows:

Sec. 341.9045. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. A municipality may not sell or transfer a marked patrol car or other municipal law enforcement motor vehicle to the public unless the municipality 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.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter Z, Chapter 2175, Government Code, is amended by adding Section 2175.908 to read as follows:

Sec. 2175.908. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Except as provided by Subsection (b), the commission or another state agency, including an agency delegated the authority to dispose of surplus or salvage property under Section 2175.065, may not sell or transfer 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) The commission or another state agency, including an agency delegated the authority to dispose of surplus or salvage property under Section 2175.065, may not sell or transfer a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety 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 2. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.9045 to read as follows:

Sec. 341.9045. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Except as provided by Subsection (b), a municipality may not sell or transfer a marked patrol car or other municipal law enforcement motor vehicle to the public unless the municipality 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) A municipality may not sell or transfer a

marked patrol car or other municipal law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety 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 3. Subchapter Z, Chapter 351, Local Government Code, is amended by adding Section 351.905 to read as follows:  
Sec. 351.905. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. A county may not sell or transfer a marked patrol car or other county law enforcement motor vehicle to the public unless the county 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.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 3. Subchapter Z, Chapter 351, Local Government Code, is amended by adding Section 351.905 to read as follows:  
Sec. 351.905. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Except as provided by Subsection (b), a county may not sell or transfer a marked patrol car or other county law enforcement motor vehicle to the public unless the county 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) A county may not sell or transfer a marked patrol car or other county law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety 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. Same as introduced version.