

## **BILL ANALYSIS**

C.S.H.B. 2482  
By: Miller  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that certain counties are experiencing an unacceptable level of traffic congestion. C.S.H.B. 2482 seeks to address this problem by providing for the authority of certain counties to operate a roadway clearance program.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 2482 amends the Occupations Code to authorize the commissioners court of a county adjacent to a county with a population of more than 3.3 million by order to establish a program for maintaining the safe movement of traffic on county freeways and under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic and to relocate the vehicle to the closest safe location for the vehicle to be stored. The bill requires such an order to ensure the protection of the public and the safe and efficient operation of towing and storage services in the county. The bill authorizes the commissioners court of a county operating the program to enter into an agreement with a federal agency, state agency, municipality, adjacent county, metropolitan rapid transit authority, or regional planning organization or any other governmental entity for the purpose of carrying out the program and to apply for grants and other funding to carry out the program. The bill creates a misdemeanor offense punishable by a fine of not less than \$1 or more than \$200 for a towing company or towing operator that violates a provision of the order establishing the program under the bill's provisions relating to the presence of a tow truck at the scene of an incident on a freeway or other area under the jurisdiction of the program or relating to the offering of towing or related services on a freeway or other area under the jurisdiction of the program.

### **EFFECTIVE DATE**

September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2482 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 E, Chapter 2308, Occupations Code, is amended by adding Section 2308.210 to read as follows:

Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN COUNTIES.

No equivalent provision.

(a) The commissioners court of a county adjacent to a county with a population of more than 3.3 million by order may establish a program

under which an employee of the sheriff's department designated by the sheriff or the commissioners court is authorized to direct, without the involvement of a peace officer, a towing company to:

(1) remove from a roadway a vehicle that is impeding the safe movement of traffic; and

(2) relocate the vehicle to the closest safe location for the vehicle to be stored.

(b) An order under Subsection (a):

(1) must ensure the protection of the public and the safe and efficient operation of towing and storage services in the county; and

(2) may require a towing company to pay a fee, in addition to a fee under Section 2308.201 or 2308.209, for participation in the program. Fees under this subsection:

(A) shall be deposited to the credit of the county's general fund; and

(B) may be used only to compensate the sheriff's office for expenses and salaries associated with administering the program.

(c) The commissioners court of a county operating a program under this section:

(1) may enter into an agreement with a federal agency, state agency, municipality,

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.210 to read as follows:

Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN COUNTIES; OFFENSE.

(a) In this section, "freeway" has the meaning assigned by Section 541.302, Transportation Code.

(b) The commissioners court of a county adjacent to a county with a population of more than 3.3 million by order may establish a program:

(1) for maintaining the safe movement of traffic on county freeways; and

(2) under which a peace officer designated by the sheriff's office or the commissioners court is authorized to direct, at the scene of an incident or remotely, a towing company, only for the purpose of the program, to:

(A) remove from a freeway, including the shoulder of a freeway, a vehicle that is impeding the safe movement of traffic; and

(B) relocate the vehicle to the closest safe location for the vehicle to be stored.

(c) An order under Subsection (b) must ensure the protection of the public and the safe and efficient operation of towing and storage services in the county.

(d). Same as introduced version.

adjacent county, metropolitan rapid transit authority, or regional planning organization or any other governmental entity for the purpose of carrying out the program; and (2) may apply for grants and other funding to carry out the program.

No equivalent provision.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2017.

(e) A towing company or towing operator commits an offense if the company or operator violates a provision of an order establishing a program under this section relating to:

(1) the presence of a tow truck at the scene of an incident on a freeway or other area under the jurisdiction of the program; or

(2) the offering of towing or related services on a freeway or other area under the jurisdiction of the program.

(f) An offense under Subsection (e) is a misdemeanor punishable by a fine of not less than \$1 or more than \$200.

SECTION 2. Same as introduced version.