

BILL ANALYSIS

Senate Research Center

H.B. 2289
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Over the past several years, landowners with property adjacent to highways and county roads in southwest Texas have had problems with people crashing through their fences and abandoning their automobiles in the pasture. This occurs because they are being pursued by the United States Border Patrol and other law enforcement agents.

These landowners are rarely reimbursed for the costs to repair actual damage to the fences caused by these pursuits. There are usually additional expenses involved if any livestock or game animals escape through the damaged fence. H.B. 2289 allows a landowner to place a lien on the vehicle that causes damage to their property.

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 Chapter 70, Property Code, by adding Subchapter F, as follows:

SUBCHAPTER F. LIEN RELATED TO DAMAGED FENCE

Sec. 70.501. LANDOWNER'S LIEN. Authorizes a person who owns real property in this state that is enclosed by a fence or other structure obviously designed to exclude intruders or to contain livestock or other animals to obtain from a court in this state a judgment entitling the person to a lien against the motor vehicle if the person who damages the landowner's fence with the vehicle meets certain criteria.

Sec. 70.502. AMOUNT OF LIEN. Provides that the amount of a landowner's lien under this subchapter is equal to the lesser of certain amounts.

Sec. 70.503. PROPERTY TO WHICH LIEN ATTACHES. Provides that a landowner's lien under this chapter attaches only to a motor vehicle that causes damage to a fence as described by Section 70.501.

Sec. 70.504. PERFECTING LIEN. Authorizes a landowner to perfect a lien under this subchapter in the manner provided by Subchapter F (Security Interests), Chapter 501, Transportation Code.

Sec. 70.505. EXPIRATION AND DISCHARGE OF LIEN. Provides that a lien under this subchapter does not expire and is discharged only when the landowner receives payment of the lien.

SECTION 2. Amends Chapter 370, Local Government Code, by adding Section 370.004, as follows:

Sec. 370.004. NOTICE OF DAMAGED FENCE. (a) Requires a peace officer employed by a political subdivision of this state who investigates or responds to an incident in which a motor vehicle damages a fence, if the peace officer reasonably

believes that the fence is intended to contain livestock or other animals, to take certain actions relating to notifying the landowner of the damaged fence.

(b) Provides that the peace officer is not liable to an owner of land or any other person for damage resulting from the peace officer's failure to notify the owner under Subsection (a).

(c) Requires a landowner to provide an agency or department of a political subdivision that employs peace officers with the certain information if the landowner would like a peace officer of that agency or department to notify the landowner of damage under Subsection (a).

SECTION 3. Makes application of Subchapter F, Chapter 70, Property Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.