

## **BILL ANALYSIS**

Senate Research Center  
80R12852 AJA-D

H.B. 2931  
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Natural Resources  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the last several years, many 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 their pastures. It is not uncommon for this accident to be caused by a car that is being pursued by the U.S. Border Patrol or other law enforcement agents. There is no current law that provides for the reimbursement to a landowner, for the costs to repair fences that have been damaged during such a pursuit, or for the costs incurred from loose livestock or other game animals that escape as a result of the fence being damaged.

H.B. 2931 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 owns the motor vehicle or has the consent of the owner of the motor vehicle to drive the vehicle at the time the person damages the landowner's fence.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any 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 owns the motor vehicle or has the consent of the owner of the motor vehicle to drive the vehicle at the time the person damages the landowner's fence.

Sec. 70.502. AMOUNT OF LIEN. Provides that the amount of a landowner's lien under this subchapter is equal to the lesser of the fair market value of the motor vehicle on the date the landowner's fence is damaged or the actual cost incurred by the landowner to repair the fence, recapture any livestock or other animals that escaped as a direct result of the damage to the fence, and have the vehicle towed from the property and stored.

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 his subchapter in the manner provided by Subchapter F, 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.

Sec. 70.506. REMOVAL OF VEHICLE FROM LANDOWNER'S PROPERTY. Authorizes a landowner whose fence is damaged by a motor vehicle that is then abandoned on the owner's property, or the landowner's agent, to select a towing service to remove the vehicle from the landowner's property and to designate the time at which the towing service is authorized to enter the property to remove the vehicle.

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 immediately determine the owner of the land on which the damaged fence is located; and notify the owner of the type and extent of the damage, if the owner has registered with the political subdivision in accordance with Subsection (c).

(b) Provides that a 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 certain information to an agency or department of a political subdivision that employs peace officers, 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, 2007.