

BILL ANALYSIS

Senate Research Center

H.B. 3223
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is common for law enforcement agencies to sell retired patrol vehicles to the general public. A risk that arises from this practice is that a criminal may purchase such a vehicle with the intent of impersonating a law enforcement officer. To reduce this risk, H.B. 3223 amends the Transportation Code and Local Government Code to prohibit a person or political subdivision from selling or transferring a marked patrol car or other law enforcement motor vehicle without first removing any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement vehicle. Violators would be liable for damages resulting from the criminal misuse of the vehicle and to the state for a civil penalty \$1,000. H.B. 3223 authorizes the Texas attorney general to bring an action to recover the civil penalty.

H.B. 3223 amends current law relating to liability for the sale or transfer of law enforcement vehicles before removal of certain equipment and insignia and provides civil penalties.

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 Section 272.006, Local Government Code, by adding Subsections (d), (e), and (f), as follows:

(d) Provides that a political subdivision that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of this section (Sale or Transfer of Law Enforcement Vehicle) is liable for damages proximately caused by the use of that vehicle during the commission of a crime and to this state for a civil penalty of \$1,000.

(e) Authorizes the Texas attorney general (attorney general) to bring an action to recover the civil penalty imposed under Subsection (d)(2) (relating to liability to Texas for a civil penalty of \$1,000).

(f) Provides that governmental immunity to suit and from liability is waived and abolished to the extent of liability created by Subsection (d).

SECTION 2. Amends Subchapter C, Chapter 728, Transportation Code, by adding Section 728.022, as follows:

Sec. 728.022. SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLE. (a) Prohibits a person from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the person 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.

(b) Prohibits a person from selling or transferring a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Texas Department of Public Safety 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.

(c) Provides that a person who sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of this section is liable for damages proximately caused by the use of that vehicle during the commission of a crime and to this state for a civil penalty of \$1,000.

(d) Authorizes the attorney general to bring an action to recover the civil penalty imposed under Subsection (c)(2) (relating to a liability to Texas for a civil penalty of \$1,000).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.