

BILL ANALYSIS

Senate Research Center

S.B. 1413
By: Johnson
Transportation
5/31/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Firefighters regularly respond to motor vehicle collisions where the vehicle involved in the incident is blocking the roadway. In these situations, dangerous secondary accidents can occur, injuring firefighters and other first responders, and incurring significant costs by damaging valuable equipment. From 2019 to 2022, a total of 206 struck-by-vehicle fatalities occurred at accident sites nationwide. Reducing wait times for first responders at accident sites is a critical step towards stopping these preventable accidents.

One factor that contributes to extended wait times are restrictions on removing property from roadways. Currently, only law enforcement agencies and transit authorities are specifically given statutory authority for these removals. When firefighters are first on the scene they must wait for police officers to arrive in order to move the vehicle to a safer location or clear the road so traffic can return to normal. Until police officers arrive the firefighters must manage the scene with the vehicle in the roadway and put themselves in harm's way as they try to deal with the accident and any victims. By expanding the authority to remove to include fire departments, S.B. 1413 ensures that the first responders on the scene, whether fire fighters or police officers, can act to swiftly clear the scene and prevent secondary accidents.

S.B. 1413 would amend Section 545.3051(b) of the Transportation Code to include fire departments as entities authorized to remove property if it blocks the roadway or endangers public safety. Also, S.B. 1413 includes fire departments as eligible for reimbursement for reasonable cost of removal and disposition of the property under Section 545.3051(d). Includes fire departments as not liable for damage to personal property removed from a roadway or right-of-way under Section 545.3051(e).

(Original Author's/Sponsor's Statement of Intent)

S.B. 1413 amends current law relating to the authority of a fire department to remove certain personal property from a roadway or right-of-way.

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 545.3051(a), Transportation Code, by adding Subdivision (1-a) to define "fire department."

SECTION 2. Amends Section 545.3051, Transportation Code, by amending Subsections (b), (d), and (e) and adding Subsection (f), as follows:

(b) Authorizes certain entities, including a fire department, to remove personal property from a roadway or right-of-way if the entity determines that the property blocks the roadway or endangers public safety.

(d) Requires the owner and any carrier of personal property removed under Section 545.3051 (Removal of Personal Property From Roadway or Right-of-Way) to reimburse certain entities, including a fire department, for any reasonable cost of removal and disposition of the property.

(e) Provides that, notwithstanding any other provision of law, the removing entity, including a fire department, is not liable for certain damages.

(f) Requires the governing body of a political subdivision that has a fire department to develop and implement a policy concerning the fire department consulting with law enforcement agencies regarding removal of personal property from a roadway or right-of-way.

SECTION 3. Effective date: upon passage or September 1, 2023.