

CHAPTER 575

H.B. No. 423

AN ACT

relating to the removal of certain parked vehicles.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 94, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsections (c) and (d) and by adding Subsection (e) to read as follows:

(c) Any commissioned member of the Department of Public Safety *or a peace officer listed under Article 2.12, Code of Criminal Procedure*, is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency of which the officer is a member, under the circumstances hereinafter enumerated:

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1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
2. When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the highway;
3. When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled;
4. When any such officer has reasonable grounds to believe that any vehicle has been abandoned;
5. When a vehicle upon a highway is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;
6. When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

(d) Any commissioned member of the Department of Public Safety or a peace officer listed under Article 2.12, Code of Criminal Procedure, is hereby authorized to remove any vehicle parked or standing in or on any portion of a highway when, in the opinion of the officer ~~[said member of the Department of Public Safety]~~, the said vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance the safety of said vehicle is imperiled.

(e) *Any law enforcement agency other than the Department of Public Safety removing an abandoned vehicle in an unincorporated area will so notify the county sheriff.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 18, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 423 on May 18, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 14, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.