

- SUBJECT:** Liability for sale of law enforcement vehicles before removing insignia
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — P. King, Nevárez, Burns, Hinojosa, Holland, J. Johnson, Metcalf, Schaefer, Wray
- 0 nays
- WITNESSES:** For — Brent Graves, Texas Auctioneers Association; Noel Johnson, Texas Municipal Police Association; Paul Swisher, Williamson County Sheriff's Office; (*Registered, but did not testify:* Keith Oakley, Associated Security Services and Investigators of the State of Texas; Greg Capers, Micah Harmon, and Buddy Mills, Sheriffs' Association of Texas; Todd Kercheval, Texas Auctioneer Association)
- Against — None
- BACKGROUND:** The 84th Legislature in 2015 enacted HB 473 by Giddings, requiring that certain equipment and insignia be removed from a marked patrol car or other law enforcement motor vehicle prior to the vehicle being sold by a political subdivision to the public or a security services contractor.
- Some observers have suggested that this requirement lacks enforcement mechanisms to ensure compliance.
- DIGEST:** HB 3223 would prohibit a person from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public without first removing any equipment or insignia that could mislead a person to believe that the vehicle was a law enforcement vehicle. Equipment would include a siren, lights associated with police or emergency vehicles, and other features.
- A person could not sell or transfer a marked patrol car or other law enforcement motor vehicle to a security services contractor without first removing each emblem or insignia that identified the vehicle as a law

enforcement vehicle.

A person or a political subdivision in violation of the applicable prohibition against selling or transferring a marked patrol car would be liable:

- for damages proximately caused by the use of that vehicle during the commission of a crime; and
- for a civil penalty of \$1,000.

The attorney general could bring an action to recover the civil penalty.

Governmental immunity to suit and from liability would be waived and abolished to the extent of liability for a political subdivision in violation.

The bill would take effect September 1, 2017, and would apply only to a violation that occurred on or after that date.