

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE Z. MISCELLANEOUS ROADWAY PROVISIONS

CHAPTER 473. REMOVAL OF HIGHWAY OBSTRUCTION THAT IS SUBJECT OF
CRIMINAL PROSECUTION

Sec. 473.001. ORDER TO REMOVE HIGHWAY OBSTRUCTION.

(a) After a criminal prosecution begins against a person for obstructing a highway, any person, in behalf of the public, may apply to the county judge of the county in which the highway is located for an order to remove the obstruction.

(b) On hearing proof regarding an application to remove an obstruction, the county judge, either in term time or in vacation, may issue to the sheriff or other proper officer of the county a written order directing that officer to remove the obstruction.

Added by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 20.001, eff. September 1, 2019.

Sec. 473.002. BOND REQUIRED. (a) Before an order may be issued under Section 473.001, the applicant for the order must give bond with security to indemnify the defendant, in case of the defendant's acquittal, for any loss sustained by the defendant.

(b) The amount of the bond must be set by the county judge.

(c) The bond must be approved by the county judge and shall be filed with the papers in the case.

Added by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 20.001, eff. September 1, 2019.

Sec. 473.003. DEFENDANT'S RECOVERY OF BOND AMOUNT ON ACQUITTAL. (a) If the defendant is acquitted in the criminal case described by Section 473.001(a), the defendant may maintain a civil action against the applicant and the applicant's sureties on the bond.

(b) The defendant may recover the full amount of the bond, or an amount of damages that is less than the amount of the bond, as may be assessed by a court or jury, if the defendant shows at trial that, at the time the defendant placed the obstruction, the

obstruction was located on the defendant's own property or on property in the defendant's lawful possession and not on a public highway established by proper authority.

Added by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 20.001, eff. September 1, 2019.

Sec. 473.004. REMOVAL OF HIGHWAY OBSTRUCTION ON CONVICTION. On the conviction of a defendant for obstructing a public highway, if the obstruction still exists, the court shall order the sheriff or other proper officer to immediately remove the obstruction at the defendant's cost, to be imposed and collected as other costs in the case.

Added by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. [4170](#)), Sec. 20.001, eff. September 1, 2019.