

By: Pickett

H.B. No. 560

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to vehicles left unattended on certain parking facilities and to the removal and storage of those vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 684.012(a), Transportation Code, is amended to read as follows:

(a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle owner's or operator's expense if:

(1) signs that comply with Subchapter C prohibiting unauthorized vehicles are located on the parking facility at the time of towing and for the preceding 24 hours and remain installed at the time of towing;

(2) the owner or operator of the vehicle has received actual notice from the parking facility owner that the vehicle will be towed at the vehicle owner's or operator's expense if it is in or not removed from an unauthorized space;

(3) the parking facility owner gives notice to the owner or operator of the vehicle under Subsection (b); or

(4) the vehicle is:
(A) left in violation of Section 684.011 or
684.0125; or

1 (B) in or obstructing a portion of a paved
2 driveway or abutting public roadway used for entering or exiting
3 the facility.

4 SECTION 2. Subchapter B, Chapter 684, Transportation Code,
5 is amended by adding Section 684.0125 to read as follows:

6 Sec. 684.0125. UNATTENDED VEHICLES ON PARKING FACILITY OF
7 APARTMENT COMPLEX; REMOVAL AND STORAGE OF VEHICLES. (a) This
8 section applies only to a parking facility serving or adjacent to an
9 apartment complex consisting of one or more residential apartment
10 units and any adjacent real property serving the apartment complex.

11 (b) The owner or operator of a vehicle may not leave
12 unattended on a parking facility a vehicle that:

13 (1) obstructs a gate that is designed or intended for
14 the use of pedestrians or vehicles;

15 (2) obstructs pedestrian or vehicular access to an
16 area that is used for the placement of a garbage or refuse
17 receptacle used in common by residents of the apartment complex;

18 (3) is in or obstructs a restricted parking area or
19 parking space designated under Subchapter C, including a space
20 designated for the use of employees or maintenance personnel of the
21 parking facility or apartment complex;

22 (4) is in a tow away zone, other than a fire lane
23 covered by Section 684.011(c), that is brightly painted and is
24 conspicuously and legibly marked with the warning "TOW AWAY ZONE"
25 in contrasting letters at least three inches tall;

26 (5) is a semitrailer, trailer, or truck-tractor, as
27 defined by Chapter 502, unless the owner or operator of the vehicle

1 is permitted under the terms of a rental or lease agreement with the
2 apartment complex to leave the unattended vehicle on the parking
3 facility; or

4 (6) is leaking a fluid that presents a hazard or threat
5 to persons or property.

6 (c) A parking facility owner may not have an emergency
7 vehicle described by Section 684.011(b) removed from the parking
8 facility.

9 (d) Except as provided by a contract described by Subsection
10 (e), a parking facility owner may not have a vehicle removed from
11 the parking facility merely because the vehicle does not display:

12 (1) an unexpired license plate or registration
13 insignia issued for the vehicle under Chapter 502 or the vehicle
14 registration law of another state or country; or

15 (2) a valid vehicle inspection certificate issued
16 under Chapter 548 or the vehicle inspection law of another state or
17 country.

18 (e) A contract provision providing for the removal from a
19 parking facility of a vehicle that does not display an unexpired
20 license plate or registration insignia or a valid inspection
21 certificate is valid only if the provision requires the owner or
22 operator of the vehicle to be given at least 10 days' written notice
23 that the vehicle will be towed from the facility at the vehicle
24 owner's or operator's expense if it is not removed from the parking
25 facility. The notice must be:

26 (1) delivered in person to the owner or operator of the
27 vehicle; or

1 (2) sent by certified mail, return receipt requested,
2 to that owner or operator.

3 (f) This section may not be construed:

4 (1) to authorize the owner or operator of a vehicle to
5 leave an unattended vehicle on property that is not designed or
6 intended for the parking of vehicles; or

7 (2) to limit or restrict the enforcement of Chapter
8 683, the abandoned motor vehicle law.

9 (g) A provision of an apartment lease or rental agreement
10 entered into or renewed on or after January 1, 2004, that is in
11 conflict or inconsistent with this section is void and may not be
12 enforced.

13 SECTION 3. This Act takes effect January 1, 2004.