

By: Pickett

H.B. No. 560

Substitute the following for H.B. No. 560:

By: Van Arsdale

C.S.H.B. No. 560

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to vehicles left unattended on certain parking facilities  
3 and to the removal and storage of those vehicles.

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

5 SECTION 1. Subchapter B, Chapter 684, Transportation Code,  
6 is amended by adding Section 684.0125 to read as follows:

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

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

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

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

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

23 (4) is in a tow away zone, other than a fire lane  
24 covered by Section 684.011(c), that is brightly painted and is

1 conspicuously and legibly marked with the warning "TOW AWAY ZONE"  
2 in contrasting letters at least three inches tall;

3 (5) is a semitrailer, trailer, or truck-tractor, as  
4 defined by Chapter 502, unless the owner or operator of the vehicle  
5 is permitted under the terms of a rental or lease agreement with the  
6 apartment complex to leave the unattended vehicle on the parking  
7 facility; or

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

10 (c) A parking facility owner may not have an emergency  
11 vehicle described by Section 684.011(b) removed from the parking  
12 facility.

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

16 (1) an unexpired license plate or registration  
17 insignia issued for the vehicle under Chapter 502 or the vehicle  
18 registration law of another state or country; or

19 (2) a valid vehicle inspection certificate issued  
20 under Chapter 548 or the vehicle inspection law of another state or  
21 country.

22 (e) A contract provision providing for the removal from a  
23 parking facility of a vehicle that does not display an unexpired  
24 license plate or registration insignia or a valid inspection  
25 certificate is valid only if the provision requires the owner or  
26 operator of the vehicle to be given at least 10 days' written notice  
27 that the vehicle will be towed from the facility at the vehicle

1 owner's or operator's expense if it is not removed from the parking  
2 facility. The notice must be:

3 (1) delivered in person to the owner or operator of the  
4 vehicle; or

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

7 (f) This section may not be construed:

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

11 (2) to limit or restrict the enforcement of Chapter  
12 683, the abandoned motor vehicle law.

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

17 SECTION 2. This Act takes effect January 1, 2004.