

By: Pickett

H.B. No. 560

A BILL TO BE ENTITLED

AN ACT

relating to vehicles left unattended on a parking facility of an apartment complex and to the removal and storage of those vehicles.

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

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

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

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

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

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

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

(4) is in a tow away zone, other than a fire lane 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; or

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

7 (c) The owner of a parking facility may not cause an
8 unattended vehicle to be removed and stored under Section
9 684.012(a) as an unauthorized vehicle, and a towing company may not
10 remove and store a vehicle as an unauthorized vehicle, merely
11 because:

12 (1) the vehicle does not display an unexpired license
13 plate or registration insignia issued for the vehicle under Chapter
14 502 or the vehicle registration law of another state or country; or

15 (2) the vehicle does not display a valid vehicle
16 inspection certificate issued under Chapter 548 or the vehicle
17 inspection law of another state or country.

18 (d) This section does not apply to an emergency vehicle
19 described by Section 684.011(b).

20 (e) This section may not be construed:

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

24 (2) to limit or restrict the enforcement of Chapter
25 683, the abandoned motor vehicle law.

26 (f) A provision of an apartment lease or rental agreement
27 entered into or renewed on or after September 1, 2003, that is in

1 conflict or inconsistent with this section is void and may not be
2 enforced.

3 SECTION 2. This Act takes effect September 1, 2003.