

1-1 By: Pickett (Senate Sponsor - Madla) H.B. No. 560
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2003, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to vehicles left unattended on certain parking facilities
1-9 and to the removal and storage of those vehicles.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 684.012(a), Transportation Code, is
1-12 amended to read as follows:

1-13 (a) A parking facility owner may, without the consent of the
1-14 owner or operator of an unauthorized vehicle, cause the vehicle and
1-15 any property on or in the vehicle to be removed and stored at a
1-16 vehicle storage facility at the vehicle owner's or operator's
1-17 expense if:

1-18 (1) signs that comply with Subchapter C prohibiting
1-19 unauthorized vehicles are located on the parking facility at the
1-20 time of towing and for the preceding 24 hours and remain installed
1-21 at the time of towing;

1-22 (2) the owner or operator of the vehicle has received
1-23 actual notice from the parking facility owner that the vehicle will
1-24 be towed at the vehicle owner's or operator's expense if it is in or
1-25 not removed from an unauthorized space;

1-26 (3) the parking facility owner gives notice to the
1-27 owner or operator of the vehicle under Subsection (b); or

1-28 (4) the vehicle is:

1-29 (A) left in violation of Section 684.011 or
1-30 684.0125; or

1-31 (B) in or obstructing a portion of a paved
1-32 driveway or abutting public roadway used for entering or exiting
1-33 the facility.

1-34 SECTION 2. Subchapter B, Chapter 684, Transportation Code,
1-35 is amended by adding Section 684.0125 to read as follows:

1-36 Sec. 684.0125. UNATTENDED VEHICLES ON PARKING FACILITY OF
1-37 APARTMENT COMPLEX; REMOVAL AND STORAGE OF VEHICLES. (a) This
1-38 section applies only to a parking facility serving or adjacent to an
1-39 apartment complex consisting of one or more residential apartment
1-40 units and any adjacent real property serving the apartment complex.

1-41 (b) The owner or operator of a vehicle may not leave
1-42 unattended on a parking facility a vehicle that:

1-43 (1) obstructs a gate that is designed or intended for
1-44 the use of pedestrians or vehicles;

1-45 (2) obstructs pedestrian or vehicular access to an
1-46 area that is used for the placement of a garbage or refuse
1-47 receptacle used in common by residents of the apartment complex;

1-48 (3) is in or obstructs a restricted parking area or
1-49 parking space designated under Subchapter C, including a space
1-50 designated for the use of employees or maintenance personnel of the
1-51 parking facility or apartment complex;

1-52 (4) is in a tow away zone, other than a fire lane
1-53 covered by Section 684.011(c), that is brightly painted and is
1-54 conspicuously and legibly marked with the warning "TOW AWAY ZONE"
1-55 in contrasting letters at least three inches tall;

1-56 (5) is a semitrailer, trailer, or truck-tractor, as
1-57 defined by Chapter 502, unless the owner or operator of the vehicle
1-58 is permitted under the terms of a rental or lease agreement with the
1-59 apartment complex to leave the unattended vehicle on the parking
1-60 facility; or

1-61 (6) is leaking a fluid that presents a hazard or threat
1-62 to persons or property.

1-63 (c) A parking facility owner may not have an emergency
1-64 vehicle described by Section 684.011(b) removed from the parking

2-1 facility.

2-2 (d) Except as provided by a contract described by Subsection
2-3 (e), a parking facility owner may not have a vehicle removed from
2-4 the parking facility merely because the vehicle does not display:

2-5 (1) an unexpired license plate or registration
2-6 insignia issued for the vehicle under Chapter 502 or the vehicle
2-7 registration law of another state or country; or

2-8 (2) a valid vehicle inspection certificate issued
2-9 under Chapter 548 or the vehicle inspection law of another state or
2-10 country.

2-11 (e) A contract provision providing for the removal from a
2-12 parking facility of a vehicle that does not display an unexpired
2-13 license plate or registration insignia or a valid inspection
2-14 certificate is valid only if the provision requires the owner or
2-15 operator of the vehicle to be given at least 10 days' written notice
2-16 that the vehicle will be towed from the facility at the vehicle
2-17 owner's or operator's expense if it is not removed from the parking
2-18 facility. The notice must be:

2-19 (1) delivered in person to the owner or operator of the
2-20 vehicle; or

2-21 (2) sent by certified mail, return receipt requested,
2-22 to that owner or operator.

2-23 (f) This section may not be construed:

2-24 (1) to authorize the owner or operator of a vehicle to
2-25 leave an unattended vehicle on property that is not designed or
2-26 intended for the parking of vehicles; or

2-27 (2) to limit or restrict the enforcement of Chapter
2-28 683, the abandoned motor vehicle law.

2-29 (g) A provision of an apartment lease or rental agreement
2-30 entered into or renewed on or after January 1, 2004, that is in
2-31 conflict or inconsistent with this section is void and may not be
2-32 enforced.

2-33 SECTION 3. This Act takes effect January 1, 2004.

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