

By: Haggerty

H.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to requiring a valet parking service to maintain financial responsibility; creating an offense.

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

SECTION 1. Subtitle H, Title 7, Transportation Code, is amended by adding Chapter 686 to read as follows:

CHAPTER 686. VALET PARKING SERVICES

Sec. 686.001. DEFINITIONS. In this chapter:

(1) "Financial responsibility" means the ability to respond in damages for liability for an accident that:

(A) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and

(B) arises out of the operation of a motor vehicle by an employee of a valet parking service.

(2) "Public accommodation" means any:

(A) inn, hotel, or motel;

(B) restaurant, cafeteria, or other facility principally engaged in selling food for consumption on the premises;

(C) bar, nightclub, or other facility engaged in selling alcoholic beverages for consumption on the premises;

(D) motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment; or

1 (E) other facility used by or open to members of
2 the public.

3 (3) "Valet parking service" means a parking service
4 through which the motor vehicles of patrons of a public
5 accommodation are parked for a fee by a third party who is not an
6 employee of the public accommodation.

7 Sec. 686.002. REQUIREMENT OF FINANCIAL RESPONSIBILITY FOR
8 VALET PARKING SERVICES. A person may not operate a valet parking
9 service unless financial responsibility for each employee who
10 operates a motor vehicle for the service is established through:

11 (1) a motor vehicle liability or comprehensive general
12 liability and garage insurance policy in an amount established by
13 Section 686.004;

14 (2) a surety bond filed under Section 601.121; or

15 (3) a deposit in the amount of \$450,000 under Section
16 601.122, notwithstanding any other amount prescribed by that
17 section.

18 Sec. 686.003. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a)
19 The owner or operator of a valet parking service shall provide
20 evidence of financial responsibility in the same manner as required
21 under Section 601.053.

22 (b) In addition to complying with Subsection (a), an owner
23 or operator of a valet parking service shall exhibit, for public
24 inspection, evidence of financial responsibility at a public
25 accommodation whose patrons use the service.

26 Sec. 686.004. MINIMUM COVERAGE AMOUNTS. (a) The minimum
27 amounts of motor vehicle liability insurance coverage required to

1 establish financial responsibility under this chapter are:

2 (1) \$100,000 for bodily injury to or death of one
3 person in one accident;

4 (2) \$300,000 for bodily injury to or death of two or
5 more persons in one accident, subject to the amount provided by
6 Subdivision (1) for bodily injury to or death of one of the persons;
7 and

8 (3) \$50,000 for damage to or destruction of property
9 of others in one accident.

10 (b) The comprehensive general liability insurance must be
11 on a broad form and provide limits of liability for bodily injury
12 and property damage of not less than \$300,000 combined single
13 limit, or the equivalent.

14 (c) The garage insurance must provide limits of liability
15 for bodily injury and property damage of not less than \$300,000
16 combined single limit, or the equivalent, and must provide the
17 following coverages:

18 (1) comprehensive and collision coverage for physical
19 damage;

20 (2) coverage for vehicle storage; and

21 (3) coverage for a vehicle driven by or at the
22 direction of the valet parking service.

23 Sec. 686.005. COMMON LAW DEFENSES. In an action against an
24 owner or operator of a valet parking service that has not
25 established financial responsibility as required by this chapter to
26 recover damages for personal injuries, death, or property damage
27 sustained in a motor vehicle accident arising out of the operation

1 of a valet parking service, it is not a defense that the party who
2 brings the action:

- 3 (1) was guilty of contributory negligence; or
4 (2) assumed the risk of injury, death, or property
5 damage.

6 Sec. 686.006. OPERATION OF MOTOR VEHICLE IN VIOLATION OF
7 FINANCIAL RESPONSIBILITY REQUIREMENT; OFFENSE. (a) A person
8 commits an offense if the person, while in the course and scope of
9 the person's employment with a valet parking service, operates a
10 motor vehicle of a patron of the service without the financial
11 responsibility required by this chapter.

12 (b) Except as provided by Subsections (c) and (d), an
13 offense under this section is a misdemeanor punishable by a fine of
14 not less than \$175 or more than \$350.

15 (c) If a person has been previously convicted of an offense
16 under this section, an offense under this section is a misdemeanor
17 punishable by a fine of not less than \$350 or more than \$1,000.

18 (d) If the court determines that a person who has not been
19 previously convicted of an offense under this section is
20 economically unable to pay the fine, the court may reduce the fine
21 to not less than \$175.

22 Sec. 686.007. DEFENSE: FINANCIAL RESPONSIBILITY IN EFFECT
23 AT TIME OF ALLEGED OFFENSE. It is a defense to prosecution under
24 Section 686.002 that the person charged produces one of the
25 documents listed in Section 601.053 that was valid at the time the
26 offense is alleged to have occurred.

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