

By: Flores

H.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the removal of a vehicle from a restricted parking space
3 on a parking facility serving a residential building with separate,
4 individually owned dwelling units; providing a criminal penalty.

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

6 SECTION 1. Subchapter B, Chapter 684, Transportation Code,
7 is amended by adding Section 684.016 to read as follows:

8 Sec. 684.016. REMOVAL AND STORAGE OF UNAUTHORIZED VEHICLES
9 ON CERTAIN PARKING FACILITIES. (a) This section applies only to a
10 parking facility that:

11 (1) serves a condominium, townhome, or other
12 residential building with separate, individually owned dwelling
13 units; and

14 (2) has restricted parking spaces that are assigned to
15 the owners of the dwelling units.

16 (b) A parking facility owner described by Section
17 684.001(2)(A) or (B) or a towing company may not tow a vehicle from
18 a restricted parking space on the parking facility without the
19 actual consent of the owner or resident of the unit to which the
20 restricted parking space is assigned. This subsection may not be
21 waived.

22 (c) To the extent this section conflicts with another
23 provision of this chapter, this section controls.

24 SECTION 2. Section 684.084, Transportation Code, is amended

1 by adding Subsection (e) to read as follows:

2 (e) A parking facility owner or a towing company that
3 violates Section 684.016 is liable to the owner or operator of the
4 vehicle that is the subject of the violation for \$5,000.

5 SECTION 3. Section 684.085, Transportation Code, is amended
6 to read as follows:

7 Sec. 684.085. VIOLATION OF CHAPTER; PENALTY [~~FINE~~]. (a)
8 Except as provided by Subsection (b), a [A] violation of this
9 chapter is punishable by a fine of not less than \$200 or more than
10 \$500.

11 (b) A parking facility owner or a towing company that
12 recklessly violates Section 684.016 commits an offense. An offense
13 under this subsection is a Class B misdemeanor.

14 SECTION 4. Subchapter E, Chapter 684, Transportation Code,
15 is amended by adding Section 684.0851 to read as follows:

16 Sec. 684.0851. REVOCATION OF TOWING COMPANY LICENSE OR
17 PERMIT. A political subdivision that requires a towing company to
18 be licensed or permitted by the political subdivision shall revoke
19 the license or permit issued to a towing company if the towing
20 company is convicted of an offense under Section 684.085(b).

21 SECTION 5. This Act takes effect September 1, 2003. The
22 changes in law made by this Act apply only to conduct that occurs or
23 an offense that is committed on or after the effective date of this
24 Act. Conduct that occurred or an offense that was committed before
25 the effective date of this Act is covered by the law in effect when
26 the conduct occurred or the offense was committed, and the former
27 law is continued in effect for that purpose. For purposes of this

1 section, conduct occurred or an offense was committed before the
2 effective date of this Act if any element of the conduct or offense
3 occurred before that date.