

## **BILL ANALYSIS**

C.S.H.B. 480  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, an owner of a vehicle that is towed and stored at the request of a law enforcement agency for an evidentiary or examination may be charged for the towing and storage. C.S.H.B. 480 requires the law enforcement agency to pay for the towing and storage fees provided that the vehicle has not been abandoned, illegally parked, in an accident, or recovered after being stolen.

Another aspect this bill addresses is nonconsent tows from parking facilities. This type of towing, performed without the consent of the vehicle's owner, is governed by Chapter 684 of the Transportation Code. This chapter provides that vehicles may be towed by a licensed towing company from a parking facility if the vehicle is in violation of posted parking regulations and the towing company has received notice that the required parking signs have been installed. Furthermore, a vehicle may be towed from the facility if the vehicle is obstructing a public roadway or driveway.

If these conditions are met, a towing company may perform a nonconsent tow without the facility owner requesting the tow, resulting in tow truck drivers looking for vehicles illegally parked in order to tow the vehicle without anyone requesting the tow. This practice should not continue. C.S.H.B. 480 allows a nonconsent tow at a parking facility for a violation of posted parking restrictions if the facility owner requests the tow or has a standing written agreement with the company to remove vehicles in violation. It further requires peace officer approval before a vehicle may be towed that is obstructing a public roadway or driveway.

Finally, C.S.H.B. 480 increases the daily storage fees at vehicle storage facilities by \$5 and increases the notification fee that a storage facility may charge from \$32 to \$50.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 480 amends the Code of Criminal Procedure to require law enforcement agencies that direct the towing and storage of a motor vehicle for an evidentiary or examination to pay the cost of the towing and storage. Once the agency authorizes the vehicle to be released, responsibility for paying storage fees after that date rest with the vehicle's owner and the property storage owner may not refuse to release the vehicle because the agency has not paid the towing and storage charges. These provisions do not require the agency to pay for towing and storage for vehicles that have been abandoned, illegally parked, in an accident, or recovered after being stolen.

C.S.H.B. 480 amends the Occupations Code to increase the amount that an operator of a vehicle storage facility may charge for a daily storage fee from a maximum of \$15 to \$20, from \$30 to \$35 for a vehicle longer than 25 feet, and from \$32 to \$50 for a notification fee. Furthermore, the bill requires vehicle storage facilities to give access to the interior of a vehicle to the vehicle's owner or a person claiming to the owner in order to establish identification or ownership.

C.S.H.B. 480 amends the Transportation Code to prohibit a towing company that makes a nonconsent tow from unhooking the vehicle anywhere except a licensed storage facility or a

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location designated by the vehicle's owner. Towing companies are further prohibited from making a nonconsent tow of a vehicle that is obstructing a public roadway or driveway without the approval of a peace officer. Towing companies may also only make a nonconsent tow at a parking facility for a violation of posted parking restrictions if the facility owner requests the tow or has a standing written agreement with the company to remove vehicles in violation. The bill also increases the punishment for a violation of the nonconsent towing governing statutes from a maximum of \$500 to not less than \$500 or not more than \$1,500.

#### **EFFECTIVE DATE**

September 1, 2005.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute removes "or related purpose" from Article 18.23, Code of Criminal Procedure and clarifies that a law enforcement agency is not required to pay for the towing and storage for a vehicle that is recovered after being stolen. The substitute adds a provision that requires vehicle storage facilities to give access to the interior of a vehicle to the vehicle's owner or a person claiming to the owner in order to establish identification or ownership.

In addition, the substitute removes a provision contained in the original which prohibited a towing company from breaking into a vehicle that was towed without the owner's consent. Finally, the substitute removes the Class B misdemeanor penalty for violating the nonconsent towing statutes and rather increases the fine that may be assessed.