

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1399
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a vehicle may be towed from a residential premises without the owner's knowledge or permission, at the discretion of the towing company. Often the rules and policies are in a lease agreement but are not conspicuous.

C.S.H.B. 1399 requires a landlord to provide a tenant a copy of any vehicle towing rules or policies adopted by the landlord and requires the tenant's signature. H.B. 1399 also requires a landlord to provide a tenant with prior written notice of any changes in the vehicle towing rules and policies, and requires the landlord to deliver notice by certain methods and provides that a landlord who violates this provision will be responsible for any changes to the tenant's vehicle resulting from having been towed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 92.013(a), Property Code, as follows:

- (a) Adds a provision requiring a landlord to provide the tenant with a copy of any applicable vehicle towing or parking rules or policies of the landlord and any changes to those rules or policies as provided by Section 92.0131.

SECTION 2. Amends Subchapter A, Chapter 92, Property Code, by adding Section 92.0131, as follows:

Sec. 92.0131. NOTICE REGARDING VEHICLE TOWING OR PARKING RULES OR POLICIES. (a) Provides that this section applies only to a tenant in a multiunit complex, as that term is defined by Section 92.151.

- (b) Requires the landlord to provide to the tenant a copy of the rules or policies regarding vehicle towing and parking before the lease agreement is entered into under specified circumstances. Sets forth certain requirements to be met regarding the copy of rules provided to the tenant.

- (c) Requires the rules or policies to contain certain language in the title if the rules or policies are contained in the lease or an attachment to the lease.

- (d) Requires the landlord to provide written notice of changes in the vehicle towing or parking rules or policies made during the term of the lease to the tenant before the tenant is bound by the rule or policy changes. Provides that the landlord has the burden of proving that the tenant received a copy of the rule or policy changes. Authorizes a landlord to satisfy that burden of proof by one of several specified methods.

- (e) Sets forth requirements to be met if changes are made during the rental term.

(f) Provides that a landlord who violates Subsection (a), (b), (c), or (d) is liable for a civil penalty in the amount of \$100 plus any towing or storage costs that the tenant incurs as a result of the tenant's vehicle being towed. Provides that the nonprevailing party in a suit under this section is liable to the prevailing party for reasonable attorney's fees and court costs.

(g) Provides that a landlord is liable for any damage to a tenant's vehicle under certain circumstances.

SECTION 3. (a) Makes application of Section 92.0131(a), Property Code, as added by this Act prospective.

(b) Makes application of Section 92.0131(g), Property Code, as added by this Act prospective.

SECTION 4. Effective date: January 1, 2006.