

By: Keel

H.B. No. 480

A BILL TO BE ENTITLED

AN ACT

relating to the towing and storage of certain vehicles; providing a penalty.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.23 to read as follows:

Art. 18.23. EXPENSES FOR MOTOR VEHICLE TOWED AND STORED FOR CERTAIN PURPOSES. (a) A law enforcement agency that directs the towing and storage of a motor vehicle for an evidentiary or examination purpose shall pay the cost of the towing and storage.

(b) Subsection (a) applies whether the motor vehicle is taken to or stored on property that is:

(1) owned or operated by the law enforcement agency;

or

(2) owned or operated by another person who provides storage services to the law enforcement agency, including:

(A) a governmental entity; and

(B) a vehicle storage facility, as defined by Section 2303.002, Occupations Code.

(c) Subsection (a) does not require a law enforcement agency to pay the cost of:

(1) towing or storing a motor vehicle for a purpose that is not an evidentiary or examination purpose, including towing or storing a vehicle that has been abandoned, illegally parked, in

1 an accident, or recovered after being stolen; or

2 (2) storing a motor vehicle after the date the law
3 enforcement agency authorizes the owner or operator of the property
4 to which the vehicle was taken or on which the vehicle is stored to
5 release the vehicle to the vehicle's owner.

6 (d) This subsection applies only to a motor vehicle taken to
7 or stored on property described by Subsection (b)(2). After a law
8 enforcement agency authorizes the release of a motor vehicle held
9 for an evidentiary or examination purpose, the owner or operator of
10 the storage property may not refuse to release the vehicle to the
11 vehicle's owner because the law enforcement agency has not paid the
12 cost of the towing and storage.

13 (e) Chapter 685, Transportation Code, does not apply to a
14 motor vehicle directed by a law enforcement agency to be towed and
15 stored for an evidentiary or examination purpose.

16 SECTION 2. Sections 2303.155(b) and (c), Occupations Code,
17 are amended to read as follows:

18 (b) The operator of a vehicle storage facility or
19 governmental vehicle storage facility may charge the owner of a
20 vehicle stored or parked at the facility:

21 (1) a notification fee set in a reasonable amount for
22 providing notice under this subchapter, including notice under
23 Section 2303.154(c);

24 (2) an impoundment fee of \$20 for any action that:

25 (A) is taken by or at the direction of the owner
26 or operator of the facility; and

27 (B) is necessary to preserve, protect, or service

1 a vehicle stored or parked at the facility;

2 (3) a daily storage fee of:

3 (A) not less than \$5 and not more than \$20 [~~\$15~~]
4 for each day or part of a day the vehicle is stored at the facility
5 if the vehicle is not longer than 25 feet; or

6 (B) \$35 [~~\$30~~] for each day or part of a day the
7 vehicle is stored at the facility if the vehicle is longer than 25
8 feet; and

9 (4) any fee that is required to be submitted to a law
10 enforcement agency, the agency's authorized agent, or a
11 governmental entity.

12 (c) A notification fee under Subsection (b) may not exceed
13 \$50 [~~\$32~~], except that if notice by publication is required by this
14 chapter and the cost of publication exceeds 50 percent of the
15 notification fee, the vehicle storage facility may recover the
16 additional amount of the cost of publication from the vehicle owner
17 or agent.

18 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is
19 amended by adding Section 2303.158 to read as follows:

20 Sec. 2303.158. ACCESS TO GLOVE COMPARTMENT, CONSOLE, OR
21 OTHER INTERIOR STORAGE AREA TO ESTABLISH IDENTITY OR OWNERSHIP.
22 The operator of a vehicle storage facility or a governmental
23 vehicle storage facility must allow a person claiming to be the
24 owner of a vehicle stored or parked at the facility to have access
25 to the vehicle's glove compartment, console, or other interior
26 storage area if documents necessary to establish the person's
27 identity or ownership of the vehicle are located in the glove

1 compartment, console, or other interior storage area.

2 SECTION 4. Subchapter D, Chapter 2303, Occupations Code, is
3 amended by adding Section 2303.159 to read as follows:

4 Sec. 2303.159. FORMS OF PAYMENT OF CHARGES. (a) The
5 operator of a vehicle storage facility shall accept payment by an
6 electronic check, debit card, or credit card for any charge
7 associated with delivery or storage of a vehicle.

8 (b) In this section, "vehicle storage facility" includes a
9 governmental vehicle storage facility as defined by Section
10 2303.155.

11 SECTION 5. Sections 643.206(a) and (c), Transportation
12 Code, are amended to read as follows:

13 (a) A towing company that makes a nonconsent tow shall tow
14 the vehicle to a vehicle storage facility that is operated by a
15 person who holds a license to operate the facility under Chapter
16 2303, Occupations Code, unless the towing company agrees to take
17 the vehicle to a location designated by the vehicle's owner.

18 (c) Except as provided by this chapter, Article 18.23, Code
19 of Criminal Procedure, or Chapter 2303, Occupations Code, a fee may
20 not be charged or collected without the prior written consent of the
21 vehicle owner or operator.

22 SECTION 6. Section 684.012(a), Transportation Code, is
23 amended to read as follows:

24 (a) A parking facility owner may, without the consent of the
25 owner or operator of an unauthorized vehicle, cause the vehicle and
26 any property on or in the vehicle to be removed and stored at a
27 vehicle storage facility at the vehicle owner's or operator's

1 expense if:

2 (1) signs that comply with Subchapter C prohibiting
3 unauthorized vehicles are located on the parking facility at the
4 time of towing and for the preceding 24 hours and remain installed
5 at the time of towing;

6 (2) the owner or operator of the vehicle has received
7 actual notice from the parking facility owner that the vehicle will
8 be towed at the vehicle owner's or operator's expense if it is in or
9 not removed from an unauthorized space;

10 (3) the parking facility owner gives notice to the
11 owner or operator of the vehicle under Subsection (b); or

12 (4) the vehicle is:

13 (A) left in violation of Section 684.011 or
14 684.0125; or

15 (B) in or obstructing a portion of a paved
16 driveway or abutting public roadway used for entering or exiting
17 the facility and the removal is approved by a peace officer.

18 SECTION 7. Section 684.014, Transportation Code, is amended
19 by amending Subsection (a) and adding Subsection (d) to read as
20 follows:

21 (a) A towing company that is insured as provided by
22 Subsection (c) may, without the consent of an owner or operator of
23 an unauthorized vehicle, remove and store the vehicle at a vehicle
24 storage facility at the expense of the owner or operator of the
25 vehicle if:

26 (1) the towing company has received written
27 verification from the parking facility owner that:

1 (A) the parking facility owner has installed the
2 signs required by Section 684.012(a)(1); or

3 (B) the owner or operator received notice under
4 Section 684.012(a)(2) or the parking facility owner gave notice
5 complying with Section 684.012(a)(3); or

6 (2) the vehicle is:

7 (A) left in violation of Section 684.011; or

8 (B) in or obstructing a portion of a paved
9 driveway or abutting public roadway used for entering or exiting
10 the facility and the removal is approved by a peace officer.

11 (d) A towing company may remove and store a vehicle under
12 Subsection (a) only if the parking facility owner:

13 (1) requests that the towing company remove and store
14 the specific vehicle; or

15 (2) has a standing written agreement with the towing
16 company to enforce parking restrictions in the parking facility
17 from which the vehicle will be removed.

18 SECTION 8. Section 684.085, Transportation Code, is amended
19 to read as follows:

20 Sec. 684.085. VIOLATION OF CHAPTER; FINE. A violation of
21 this chapter is a misdemeanor punishable by a fine of not less than
22 \$500 [~~\$200~~] or more than \$1,500 [~~\$500~~].

23 SECTION 9. (a) The change in law made by this Act to Section
24 684.085, Transportation Code, applies only to an offense committed
25 on or after the effective date of this Act. For purposes of this
26 section, an offense was committed before the effective date of this
27 Act if any element of the offense occurred before the effective

1 date.

2 (b) An offense committed before the effective date of this
3 Act is governed by the law in effect on the date the offense was
4 committed, and the former law is continued in effect for that
5 purpose.

6 SECTION 10. This Act takes effect September 1, 2005.