

1-1 By: Keel (Senate Sponsor - Wentworth) H.B. No. 480  
1-2 (In the Senate - Received from the House April 27, 2005;  
1-3 April 29, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 20, 2005, reported favorably by the  
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the towing and storage of certain vehicles; providing a  
1-9 penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 18, Code of Criminal Procedure, is  
1-12 amended by adding Article 18.23 to read as follows:

1-13 Art. 18.23. EXPENSES FOR MOTOR VEHICLE TOWED AND STORED FOR  
1-14 CERTAIN PURPOSES. (a) A law enforcement agency that directs the  
1-15 towing and storage of a motor vehicle for an evidentiary or  
1-16 examination purpose shall pay the cost of the towing and storage.

1-17 (b) Subsection (a) applies whether the motor vehicle is  
1-18 taken to or stored on property that is:

1-19 (1) owned or operated by the law enforcement agency;  
1-20 or

1-21 (2) owned or operated by another person who provides  
1-22 storage services to the law enforcement agency, including:

1-23 (A) a governmental entity; and

1-24 (B) a vehicle storage facility, as defined by  
1-25 Section 2303.002, Occupations Code.

1-26 (c) Subsection (a) does not require a law enforcement  
1-27 agency to pay the cost of:

1-28 (1) towing or storing a motor vehicle for a purpose  
1-29 that is not an evidentiary or examination purpose, including towing  
1-30 or storing a vehicle that has been abandoned, illegally parked, in  
1-31 an accident, or recovered after being stolen; or

1-32 (2) storing a motor vehicle after the date the law  
1-33 enforcement agency authorizes the owner or operator of the property  
1-34 to which the vehicle was taken or on which the vehicle is stored to  
1-35 release the vehicle to the vehicle's owner.

1-36 (d) This subsection applies only to a motor vehicle taken to  
1-37 or stored on property described by Subsection (b)(2). After a law  
1-38 enforcement agency authorizes the release of a motor vehicle held  
1-39 for an evidentiary or examination purpose, the owner or operator of  
1-40 the storage property may not refuse to release the vehicle to the  
1-41 vehicle's owner because the law enforcement agency has not paid the  
1-42 cost of the towing and storage.

1-43 (e) Chapter 685, Transportation Code, does not apply to a  
1-44 motor vehicle directed by a law enforcement agency to be towed and  
1-45 stored for an evidentiary or examination purpose.

1-46 SECTION 2. Sections 2303.155(b) and (c), Occupations Code,  
1-47 are amended to read as follows:

1-48 (b) The operator of a vehicle storage facility or  
1-49 governmental vehicle storage facility may charge the owner of a  
1-50 vehicle stored or parked at the facility:

1-51 (1) a notification fee set in a reasonable amount for  
1-52 providing notice under this subchapter, including notice under  
1-53 Section 2303.154(c);

1-54 (2) an impoundment fee of \$20 for any action that:

1-55 (A) is taken by or at the direction of the owner  
1-56 or operator of the facility; and

1-57 (B) is necessary to preserve, protect, or service  
1-58 a vehicle stored or parked at the facility;

1-59 (3) a daily storage fee of:

1-60 (A) not less than \$5 and not more than \$20 [~~\$15~~]

1-61 for each day or part of a day the vehicle is stored at the facility  
1-62 if the vehicle is not longer than 25 feet; or

1-63 (B) \$35 [~~\$30~~] for each day or part of a day the  
1-64 vehicle is stored at the facility if the vehicle is longer than 25

2-1 feet; and

2-2 (4) any fee that is required to be submitted to a law  
2-3 enforcement agency, the agency's authorized agent, or a  
2-4 governmental entity.

2-5 (c) A notification fee under Subsection (b) may not exceed  
2-6 \$50 [~~\$32~~], except that if notice by publication is required by this  
2-7 chapter and the cost of publication exceeds 50 percent of the  
2-8 notification fee, the vehicle storage facility may recover the  
2-9 additional amount of the cost of publication from the vehicle owner  
2-10 or agent.

2-11 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is  
2-12 amended by adding Section 2303.158 to read as follows:

2-13 Sec. 2303.158. ACCESS TO GLOVE COMPARTMENT, CONSOLE, OR  
2-14 OTHER INTERIOR STORAGE AREA TO ESTABLISH IDENTITY OR OWNERSHIP.  
2-15 The operator of a vehicle storage facility or a governmental  
2-16 vehicle storage facility must allow a person claiming to be the  
2-17 owner of a vehicle stored or parked at the facility to have access  
2-18 to the vehicle's glove compartment, console, or other interior  
2-19 storage area if documents necessary to establish the person's  
2-20 identity or ownership of the vehicle are located in the glove  
2-21 compartment, console, or other interior storage area.

2-22 SECTION 4. Subchapter D, Chapter 2303, Occupations Code, is  
2-23 amended by adding Section 2303.159 to read as follows:

2-24 Sec. 2303.159. FORMS OF PAYMENT OF CHARGES. (a) The  
2-25 operator of a vehicle storage facility shall accept payment by an  
2-26 electronic check, debit card, or credit card for any charge  
2-27 associated with delivery or storage of a vehicle.

2-28 (b) In this section, "vehicle storage facility" includes a  
2-29 governmental vehicle storage facility as defined by Section  
2-30 2303.155.

2-31 SECTION 5. Sections 643.206(a) and (c), Transportation  
2-32 Code, are amended to read as follows:

2-33 (a) A towing company that makes a nonconsent tow shall tow  
2-34 the vehicle to a vehicle storage facility that is operated by a  
2-35 person who holds a license to operate the facility under Chapter  
2-36 2303, Occupations Code, unless the towing company agrees to take  
2-37 the vehicle to a location designated by the vehicle's owner.

2-38 (c) Except as provided by this chapter, Article 18.23, Code  
2-39 of Criminal Procedure, or Chapter 2303, Occupations Code, a fee may  
2-40 not be charged or collected without the prior written consent of the  
2-41 vehicle owner or operator.

2-42 SECTION 6. Section 684.012(a), Transportation Code, is  
2-43 amended to read as follows:

2-44 (a) A parking facility owner may, without the consent of the  
2-45 owner or operator of an unauthorized vehicle, cause the vehicle and  
2-46 any property on or in the vehicle to be removed and stored at a  
2-47 vehicle storage facility at the vehicle owner's or operator's  
2-48 expense if:

2-49 (1) signs that comply with Subchapter C prohibiting  
2-50 unauthorized vehicles are located on the parking facility at the  
2-51 time of towing and for the preceding 24 hours and remain installed  
2-52 at the time of towing;

2-53 (2) the owner or operator of the vehicle has received  
2-54 actual notice from the parking facility owner that the vehicle will  
2-55 be towed at the vehicle owner's or operator's expense if it is in or  
2-56 not removed from an unauthorized space;

2-57 (3) the parking facility owner gives notice to the  
2-58 owner or operator of the vehicle under Subsection (b); or

2-59 (4) the vehicle is:

2-60 (A) left in violation of Section 684.011 or  
2-61 684.0125; or

2-62 (B) in or obstructing a portion of a paved  
2-63 driveway or abutting public roadway used for entering or exiting  
2-64 the facility and the removal is approved by a peace officer.

2-65 SECTION 7. Section 684.014, Transportation Code, is amended  
2-66 by amending Subsection (a) and adding Subsection (d) to read as  
2-67 follows:

2-68 (a) A towing company that is insured as provided by  
2-69 Subsection (c) may, without the consent of an owner or operator of

3-1 an unauthorized vehicle, remove and store the vehicle at a vehicle  
3-2 storage facility at the expense of the owner or operator of the  
3-3 vehicle if:

3-4 (1) the towing company has received written  
3-5 verification from the parking facility owner that:

3-6 (A) the parking facility owner has installed the  
3-7 signs required by Section 684.012(a)(1); or

3-8 (B) the owner or operator received notice under  
3-9 Section 684.012(a)(2) or the parking facility owner gave notice  
3-10 complying with Section 684.012(a)(3); or

3-11 (2) the vehicle is:

3-12 (A) left in violation of Section 684.011; or

3-13 (B) in or obstructing a portion of a paved  
3-14 driveway or abutting public roadway used for entering or exiting  
3-15 the facility and the removal is approved by a peace officer.

3-16 (d) A towing company may remove and store a vehicle under  
3-17 Subsection (a) only if the parking facility owner:

3-18 (1) requests that the towing company remove and store  
3-19 the specific vehicle; or

3-20 (2) has a standing written agreement with the towing  
3-21 company to enforce parking restrictions in the parking facility  
3-22 from which the vehicle will be removed.

3-23 SECTION 8. Section 684.085, Transportation Code, is amended  
3-24 to read as follows:

3-25 Sec. 684.085. VIOLATION OF CHAPTER; FINE. A violation of  
3-26 this chapter is a misdemeanor punishable by a fine of not less than  
3-27 \$500 [~~\$200~~] or more than \$1,500 [~~\$500~~].

3-28 SECTION 9. (a) The change in law made by this Act to Section  
3-29 684.085, Transportation Code, applies only to an offense committed  
3-30 on or after the effective date of this Act. For purposes of this  
3-31 section, an offense was committed before the effective date of this  
3-32 Act if any element of the offense occurred before the effective  
3-33 date.

3-34 (b) An offense committed before the effective date of this  
3-35 Act is governed by the law in effect on the date the offense was  
3-36 committed, and the former law is continued in effect for that  
3-37 purpose.

3-38 SECTION 10. This Act takes effect September 1, 2005.

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