

By: Dutton

H.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to notice of a landlord's motor vehicle towing rules and policies and to liability arising from certain actions of a towing service.

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

SECTION 1. Section 92.013(a), Property Code, is amended to read as follows:

(a) A landlord shall give prior written notice to a tenant regarding a landlord rule or policy change that is not included in the lease agreement and that will affect any personal property owned by the tenant that is located outside the tenant's dwelling. A[, ~~including any~~] change in vehicle towing rules or policies is governed by Section 92.0131.

SECTION 2. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0131 to read as follows:

Sec. 92.0131. NOTICE REGARDING VEHICLE TOWING RULES OR POLICIES. (a) A landlord shall provide to a tenant, separate from the lease agreement, a copy of any vehicle towing rules or policies affecting the leased premises adopted by the landlord. The copy of the rules or policies must be signed by the tenant.

(b) A landlord shall provide prior written notice to a tenant regarding a change in vehicle towing rules or policies. A notice under this subsection must be signed by the tenant. The landlord must obtain the tenant's signature on the notice or

1 otherwise obtain proof of delivery.

2 (c) A landlord who violates Subsection (a) or (b) is liable  
3 for a civil penalty in the amount of \$500.

4 (d) A landlord, including the management company of the  
5 landlord, is liable for any damages to a tenant's vehicle resulting  
6 from the negligence of a towing service that contracts with the  
7 landlord to remove vehicles from the leased premises.

8 SECTION 3. (a) The change in law made by Section  
9 92.0131(a), Property Code, as added by this Act, applies only to a  
10 lease agreement entered into or renewed on or after September 1,  
11 2005. A lease agreement entered into or renewed before September 1,  
12 2005, is governed by the law in effect when the lease was entered  
13 into or renewed, and the former law is continued in effect for that  
14 purpose.

15 (b) The change in law made by Section 92.0131(d), Property  
16 Code, as added by this Act, applies only to a negligent act that  
17 occurs on or after September 1, 2005. A negligent act that occurs  
18 before September 1, 2005, is governed by the law in effect when the  
19 negligent act occurred, and the former law is continued in effect  
20 for that purpose.

21 SECTION 4. This Act takes effect September 1, 2005.