

By: Flores

H.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the removal of a vehicle from a restricted parking space on a parking facility serving a residential building with separate, individually owned dwelling units; providing penalties.

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

SECTION 1. Subchapter B, Chapter 684, Transportation Code, is amended by adding Section 684.016 to read as follows:

Sec. 684.016. REMOVAL AND STORAGE OF UNAUTHORIZED VEHICLES ON CERTAIN PARKING FACILITIES. (a) This section applies only to a parking facility that:

(1) serves a condominium, townhome, or other residential building with separate, individually owned dwelling units; and

(2) has restricted parking spaces that are assigned to the owners of the dwelling units.

(b) A parking facility owner described by Section 684.001(2)(A) or (B) or a towing company may not tow a vehicle from a restricted parking space on the parking facility without the actual consent of the owner or resident of the unit to which the restricted parking space is assigned. This subsection may not be waived.

(c) To the extent this section conflicts with another provision of this chapter, this section controls.

SECTION 2. Section 684.084, Transportation Code, is amended

by adding Subsection (e) to read as follows:

(e) A parking facility owner or a towing company that violates Section 684.016 is liable to the owner or operator of the vehicle that is the subject of the violation for \$5,000.

SECTION 3. Section 684.085, Transportation Code, is amended to read as follows:

Sec. 684.085. VIOLATION OF CHAPTER; PENALTY [~~FINE~~]. (a) Except as provided by Subsection (b), a [A] violation of this chapter is punishable by a fine of not less than \$200 or more than \$500.

(b) A parking facility owner or a towing company that recklessly violates Section 684.016 commits an offense. An offense under this subsection is a Class B misdemeanor.

SECTION 4. Subchapter E, Chapter 684, Transportation Code, is amended by adding Section 684.0851 to read as follows:

Sec. 684.0851. REVOCATION OF TOWING COMPANY LICENSE OR PERMIT. A political subdivision that requires a towing company to be licensed or permitted by the political subdivision shall revoke the license or permit issued to a towing company if the towing company is convicted of an offense under Section 684.085(b).

SECTION 5. The changes in law made by this Act apply only to conduct that occurs or an offense that is committed on or after the effective date of this Act. Conduct that occurred or an offense that was committed before the effective date of this Act is covered by the law in effect when the conduct occurred or the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, conduct occurred or an

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1 offense was committed before the effective date of this Act if any
2 element of the conduct or offense occurred before that date.

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