

## **BILL ANALYSIS**

H.B. 2094  
By: Hill  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, owners and operators of vehicles that have been towed and placed in storage have the right to a hearing before a Justice of the Peace. In order to bring a case before the court, the owner or operator must provide certain information to the court but they are not required to explain the reason for contesting the towing and storage. Towing and storage company owners believe that many cases could be settled outside the court system if they simply knew the reason for the contest prior to the hearing.

Hearings relating to the rights of owners and operators of vehicles towed and placed in storage are required to be held within 10 days of a request for hearing. Notification for hearings relating to the rights of owners and operators of vehicles towed and placed in storage is currently the responsibility of the court and is sent by certified mail. Ten days is often not sufficient time to schedule a hearing on a court's docket and to receive confirmation of receipt of certified mail. Too often, parties refuse to claim certified mail. Further, citizens who have had their vehicles removed without probable cause have no specified method for collecting their award.

H.B. 2094 would require vehicle owners and operators contesting towing and storage to provide to the court in advance of a hearing the reason for the contest. This bill would also allow a notice of hearing to be delivered in the manner specified for notices under Rule 21a of the Texas Rules of Civil Procedure, would grant the court the authority to make an award of the costs of the removal and the reasonable costs of placement of a vehicle removed without probable cause and would provide that an award may be enforced by any method currently available for collecting a civil judgment for a debt.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 685.007 of the Texas Transportation Code by requiring the owner or operator of a towed vehicle to provide an explanation of why no probable cause existed for the towing of a vehicle.

SECTION 2. Amends Section 685.009 of the Texas Transportation Code as follows: Subsection (a) is amended to provide that hearings relating to the rights of owners and operators of vehicles removed and placed in storage shall be within 14 days of the date of request for hearing. Subsection (b) is amended to provide that notification for hearings may be made by any method of service specified for notices under Rule 21a of the Texas Rules of Civil Procedure, and that a storage facility to which a vehicle was removed must also be given notice of the hearing. Subsection (e) is amended to allow the court to award the costs of the removal and the reasonable costs of placement of the vehicle in the event that no probable cause was found for the removal of the vehicle.

SECTION 3. Amends Chapter 685 of the Texas Transportation Code by adding a new section to provide that an award may be enforced by the prevailing party by any means available for the enforcement of a civil judgment for a debt.

SECTION 4. Provides that changes in law made by this Act are prospective.

H.B. 2094 80(R)

SECTION 5. Effective date: September 1, 2007.

**EFFECTIVE DATE**

September 1, 2007.