

By: Hill

H.B. No. 2094

A BILL TO BE ENTITLED

1 AN ACT

2 relating to hearings for owners or operators of vehicles that are
3 towed and subsequently stored in a facility.

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

5 SECTION 1. Section 685.007(b), Transportation Code, is
6 amended to read as follows:

7 (b) A request for a hearing must contain:

8 (1) the name, address, and telephone number of the
9 owner or operator of the vehicle;

10 (2) the location from which the vehicle was removed;

11 (3) the date when the vehicle was removed;

12 (4) the name, address, and telephone number of the
13 person or law enforcement agency that authorized the removal;

14 (5) the name, address, and telephone number of the
15 vehicle storage facility in which the vehicle was placed;

16 (6) the name, address, and telephone number of the
17 towing company that removed the vehicle;

18 (7) a copy of any receipt or notification that the
19 owner or operator received from the towing company or the vehicle
20 storage facility; ~~and~~

21 (8) if the vehicle was removed from a parking
22 facility:

23 (A) one or more photographs that show the
24 location and text of any sign posted at the facility restricting

1 parking of vehicles; or

2 (B) a statement that no sign restricting parking
3 was posted at the parking facility; and

4 (9) a statement explaining each reason why the owner
5 or operator of the vehicle believes no probable cause existed to
6 remove the vehicle.

7 SECTION 2. Sections 685.009(a), (b), and (e),
8 Transportation Code, are amended to read as follows:

9 (a) A hearing under this chapter shall be held before the
10 14th [~~10th~~] working day after the date the court receives the
11 request for the hearing.

12 (b) The court shall notify the person who requested the
13 hearing, [~~and~~] the person or law enforcement agency that authorized
14 the removal of the vehicle, and the vehicle storage facility in
15 which the vehicle was placed of the date, time, and place of the
16 hearing in a manner provided by Rule 21a, Texas Rules of Civil
17 Procedure [~~by registered or certified mail~~]. The notice of the
18 hearing to the person or law enforcement agency that authorized the
19 removal of the vehicle shall include a copy of the request for
20 hearing.

21 (e) The court may award:

22 (1) court costs to the prevailing party;

23 (2) the reasonable cost of photographs submitted under
24 Section 685.007(b)(8) to a vehicle owner or operator who is the
25 prevailing party; [~~and~~]

26 (3) an amount equal to the amount that the towing
27 charge exceeded fees regulated by a political subdivision or

1 authorized by this code or by Chapter 2303, Occupations Code; and
2 (4) reimbursement of fees paid for vehicle towing and
3 storage.

4 SECTION 3. Chapter 685, Transportation Code, is amended by
5 adding Section 685.011 to read as follows:

6 Sec. 685.011. ENFORCEMENT OF AWARD. An award under this
7 chapter may be enforced by any means available for the enforcement
8 of judgment for debts.

9 SECTION 4. The changes in law made by this Act apply only to
10 a motor vehicle removed and stored on or after the effective date of
11 this Act. The removal and storage of a vehicle before the effective
12 date of this Act is governed by the law in effect on the date the
13 vehicle was removed and stored, and the former law is continued in
14 effect for that purpose.

15 SECTION 5. This Act takes effect September 1, 2007.