

By: Phillips

H.B. No. 2468

A BILL TO BE ENTITLED

AN ACT

relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. PAY-TO-PARK AND VALET PARKING SERVICES

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Pay-to-park service" means a business that provides a place to park the motor vehicles of patrons of a public accommodation in a garage, lot, or other facility for a fee.

(2) "Public accommodation" means any:

(A) inn, hotel, or motel;

(B) restaurant, cafeteria, or other facility principally engaged in selling food for consumption on the premises;

(C) bar, nightclub, or other facility engaged in selling alcoholic beverages for consumption on the premises;

(D) motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment; or

(E) other facility used by or open to members of the public.

(3) "Valet parking service" means a parking service through which the motor vehicles of patrons of a public

1 accommodation are parked for a fee by a third party who is not an
2 employee of the public accommodation.

3 Sec. 106.002. APPLICABILITY OF CHAPTER. This chapter does
4 not apply to a pay-to-park or valet parking service:

5 (1) operated by the owner of:

6 (A) a restaurant, cafeteria, or other facility
7 principally engaged in selling food for consumption on the
8 premises; or

9 (B) an inn, hotel, or motel; and

10 (2) provided exclusively to patrons of the public
11 accommodation described by Subdivision (1).

12 Sec. 106.003. REQUIREMENT OF CONTACT INFORMATION. (a) The
13 receipt or claim ticket that an operator of a pay-to-park or valet
14 parking service provides to a patron must state the name, address,
15 and telephone number of the owner of the pay-to-park or valet
16 parking service.

17 (b) If a pay-to-park service does not provide a patron with
18 a receipt or claim ticket, the operator shall prominently display
19 the name, address, and telephone number of the owner of the
20 pay-to-park service on a sign on or immediately adjacent to the
21 payment receptacle or other device for making payment for the
22 service.

23 (c) For purposes of this section, "owner" does not include
24 the owner of the property on which the pay-to-park or valet parking
25 service is provided unless the service is also owned by the owner of
26 the property.

27 Sec. 106.004. CIVIL PENALTY. A pay-to-park or valet

1 parking service that violates this chapter is subject to a civil
2 penalty not to exceed \$200 for each violation.

3 Sec. 106.005. SUIT FOR CIVIL PENALTY. The attorney general
4 or a county or district attorney may bring an action to recover a
5 civil penalty imposed under Section 106.004.

6 SECTION 2. This Act takes effect September 1, 2011.