

1-1 By: Phillips (Senate Sponsor - Seliger) H.B. No. 2468  
1-2 (In the Senate - Received from the House April 26, 2011;  
1-3 April 29, 2011, read first time and referred to Committee on  
1-4 Business and Commerce; May 10, 2011, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 10, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to providing a patron of a pay-to-park or valet parking  
1-9 service with certain information; providing a civil penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is  
1-12 amended by adding Chapter 106 to read as follows:

1-13 CHAPTER 106. PAY-TO-PARK AND VALET PARKING SERVICES

1-14 Sec. 106.001. DEFINITIONS. In this chapter:

1-15 (1) "Pay-to-park service" means a business that  
1-16 provides a place to park the motor vehicles of patrons of a public  
1-17 accommodation in a garage, lot, or other facility for a fee.

1-18 (2) "Public accommodation" means any:

1-19 (A) inn, hotel, or motel;

1-20 (B) restaurant, cafeteria, or other facility  
1-21 principally engaged in selling food for consumption on the  
1-22 premises;

1-23 (C) bar, nightclub, or other facility engaged in  
1-24 selling alcoholic beverages for consumption on the premises;

1-25 (D) motion picture house, theater, concert hall,  
1-26 stadium, or other place of exhibition or entertainment; or

1-27 (E) other facility used by or open to members of  
1-28 the public.

1-29 (3) "Valet parking service" means a parking service  
1-30 through which the motor vehicles of patrons of a public  
1-31 accommodation are parked for a fee by a third party who is not an  
1-32 employee of the public accommodation.

1-33 Sec. 106.002. APPLICABILITY OF CHAPTER. This chapter does  
1-34 not apply to a pay-to-park or valet parking service:

1-35 (1) operated by the owner of:

1-36 (A) a restaurant, cafeteria, or other facility  
1-37 principally engaged in selling food for consumption on the  
1-38 premises; or

1-39 (B) an inn, hotel, or motel; and

1-40 (2) provided exclusively to patrons of the public  
1-41 accommodation described by Subdivision (1).

1-42 Sec. 106.003. REQUIREMENT OF CONTACT INFORMATION. (a) The  
1-43 receipt or claim ticket that an operator of a pay-to-park or valet  
1-44 parking service provides to a patron must state the name, address,  
1-45 and telephone number of the owner of the pay-to-park or valet  
1-46 parking service.

1-47 (b) If a pay-to-park service does not provide a patron with  
1-48 a receipt or claim ticket, the operator shall prominently display  
1-49 the name, address, and telephone number of the owner of the  
1-50 pay-to-park service on a sign on or immediately adjacent to the  
1-51 payment receptacle or other device for making payment for the  
1-52 service.

1-53 (c) For purposes of this section, "owner" does not include  
1-54 the owner of the property on which the pay-to-park or valet parking  
1-55 service is provided unless the service is also owned by the owner of  
1-56 the property.

1-57 Sec. 106.004. CIVIL PENALTY. A pay-to-park or valet  
1-58 parking service that violates this chapter is subject to a civil  
1-59 penalty not to exceed \$200 for each violation.

1-60 Sec. 106.005. SUIT FOR CIVIL PENALTY. The attorney general  
1-61 or a county or district attorney may bring an action to recover a  
1-62 civil penalty imposed under Section 106.004.

1-63 SECTION 2. This Act takes effect September 1, 2011.

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