

By: Hunter

H.B. No. 3320

A BILL TO BE ENTITLED

AN ACT

relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

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

SECTION 1. Article 18.23, Code of Criminal Procedure, is repealed.

SECTION 2. Section 2308.205(c), Occupations Code, is amended to read as follows:

(c) Except as provided by this chapter [~~, Article 18.23, Code of Criminal Procedure,~~] or Chapter 2303, a fee may not be charged or collected without the prior written consent of the vehicle owner or operator.

SECTION 3. Section 545.420(i), Transportation Code, is amended to read as follows:

(i) This subsection applies only to a motor vehicle used in the commission of an offense under this section that results in an accident with property damage or personal injury. A peace officer shall require the vehicle to be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence, in which case the vehicle may be taken to a storage facility as designated by the peace officer involved. The [~~Notwithstanding Article 18.23, Code of Criminal Procedure, the~~] owner of a motor vehicle that is removed or stored under this subsection is liable for all removal and storage fees incurred and is not entitled to

1 take possession of the vehicle until those fees are paid.

2 SECTION 4. The repeal by this Act of Article 18.23, Code of
3 Criminal Procedure, applies only to motor vehicle towing costs that
4 are incurred on or after the effective date of this Act and motor
5 vehicle storage costs that are incurred on or after the effective
6 date of this Act, regardless of the date on which the motor vehicle
7 was towed to a property for storage. Towing and storage costs
8 incurred before the effective date of this Act are covered by the
9 law in effect when the costs were incurred, and the former law is
10 continued in effect for that purpose.

11 SECTION 5. This Act takes effect September 1, 2011.