

By: Hamilton

H.B. No. 3510

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the towing, booting, and storage of vehicles.

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

SECTION 1. Section 2303.1511, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a vehicle received as a result of an incident management tow requested by law enforcement. In this subsection, "incident management tow" has the meaning assigned by Section 2308.002.

SECTION 2. Section 2303.160(c), Occupations Code, is amended to read as follows:

(c) Subsection (b) does not require a vehicle storage facility to release a vehicle to the owner or operator of the vehicle if the owner or operator of the vehicle does not:

(1) pay the charges associated with delivery or storage of the vehicle; and

(2) present valid photo identification issued by this state, another state, ~~or~~ a federal agency, or a foreign government.

SECTION 3. Section 2308.057(b), Occupations Code, is amended to read as follows:

(b) The commission by rule shall adopt:

(1) standards of conduct for license and permit

1 holders under this chapter; and

2 (2) requirements for a consent tow, private property
3 tow, and incident management tow.

4 SECTION 4. Section 2308.159(c), Occupations Code, is
5 amended to read as follows:

6 (c) A license holder may renew a license issued under this
7 chapter by:

8 (1) submitting an application on a form prescribed by
9 the executive director;

10 (2) submitting evidence demonstrating compliance with
11 the requirements for the license;

12 (3) paying a renewal fee; and

13 (4) [~~(2)~~] completing continuing education as required
14 by Section 2308.157.

15 SECTION 5. Section 2308.206(a), Occupations Code, is
16 amended to read as follows:

17 (a) A [~~Before January 31 of each year, a~~] towing company
18 shall file with the department a fee schedule showing each towing
19 fee that the towing company charges or collects in connection with a
20 nonconsent tow:

21 (1) with an original application for a license under
22 this chapter;

23 (2) on renewal of a license issued under this chapter;

24 (3) on the date the towing company changes a fee on a
25 previously filed fee schedule; and

26 (4) as required by commission rule.

27 SECTION 6. The heading to Section 2308.255, Occupations

1 Code, is amended to read as follows:

2 Sec. 2308.255. TOWING COMPANY'S OR BOOT OPERATOR'S
3 AUTHORITY TO REMOVE AND STORE OR BOOT UNAUTHORIZED VEHICLE.

4 SECTION 7. Section 2308.255(d), Occupations Code, is
5 amended to read as follows:

6 (d) A towing company may remove and store a vehicle under
7 Subsection (a) and a boot operator may boot a vehicle under Section
8 2308.257 only if the parking facility owner:

9 (1) requests that the towing company remove and store
10 or that the boot operator boot the specific vehicle; or

11 (2) has a standing written agreement with the towing
12 company or boot operator to enforce parking restrictions in the
13 parking facility [~~from which the vehicle will be removed~~].

14 SECTION 8. Section 2308.257, Occupations Code, as added by
15 Chapter 757 (S.B. 702), Acts of the 81st Legislature, Regular
16 Session, 2009, is redesignated as Section 2308.2555, Occupations
17 Code, to read as follows:

18 Sec. 2308.2555 [~~2308.257~~]. REMOVAL OF CERTAIN UNAUTHORIZED
19 VEHICLES IN RURAL AREAS. (a) This section applies only to an
20 abandoned vehicle that has damaged a fence on private property in a
21 rural area.

22 (b) A law enforcement agency directing a towing company or
23 tow operator to remove an abandoned vehicle that is located on
24 private property shall provide the towing company or tow operator
25 with the name and telephone number of the property owner or the
26 owner's agent if the owner or agent has provided the information to
27 the law enforcement agency.

1 (c) A towing company or tow operator provided with
2 information under Subsection (b) shall contact the property owner
3 or the owner's agent before entering private property to tow a
4 vehicle described by Subsection (a).

5 SECTION 9. Section 2308.301(b), Occupations Code, is
6 amended to read as follows:

7 (b) Except as provided by Section 2308.305, an unauthorized
8 vehicle may be towed under Section 2308.252(a)(1) or booted under
9 Section 2308.257 only if each sign prohibiting unauthorized
10 vehicles:

11 (1) is made of weather-resistant material;
12 (2) is at least 18 inches wide and 24 inches tall;
13 (3) contains the international symbol for towing
14 vehicles;

15 (4) contains a statement describing who may park in
16 the parking facility and prohibiting all others;

17 (5) bears the words, as applicable:

18 (A) "Unauthorized Vehicles Will Be Towed or
19 Booted at Owner's or Operator's Expense";

20 (B) "Unauthorized Vehicles Will Be Towed at
21 Owner's or Operator's Expense"; or

22 (C) "Unauthorized Vehicles Will Be Booted at
23 Owner's or Operator's Expense";

24 (6) contains a statement of the days and hours of
25 towing and booting enforcement; and

26 (7) contains a number, including the area code, of a
27 telephone that is answered 24 hours a day to enable an owner or

1 operator of a vehicle to locate a towed vehicle or to arrange for
2 removal of a boot from a vehicle.

3 SECTION 10. Section 2308.302(c), Occupations Code, is
4 amended to read as follows:

5 (c) The portion of the sign immediately below the
6 international towing symbol must:

7 (1) [~~contain the words "Towing And Booting Enforced"~~]
8 in lettering at least two inches in height, contain the words, as
9 applicable:

10 (A) "Towing and Booting Enforced";

11 (B) "Towing Enforced"; or

12 (C) "Booting Enforced"; and

13 (2) [~~The lettering on this portion of the sign~~
14 ~~must~~] consist of white letters on a bright red background.

15 SECTION 11. Section 2308.401, Occupations Code, is amended
16 by adding Subsection (c) to read as follows:

17 (c) This section does not apply to a sign required under
18 Section 2308.301 provided by a towing or booting company to a
19 parking facility owner.

20 SECTION 12. Section 2308.402, Occupations Code, is amended
21 by adding Subsection (c) to read as follows:

22 (c) This section does not apply to a sign required under
23 Section 2308.301 provided by a towing or booting company to a
24 parking facility owner.

25 SECTION 13. Section 2308.453, Occupations Code, as amended
26 by Chapters 845 (S.B. 2153) and 1310 (H.B. 2571), Acts of the 81st
27 Legislature, Regular Session, 2009, is reenacted to read as

1 follows:

2 Sec. 2308.453. JURISDICTION. A hearing under this chapter
3 shall be in the justice court having jurisdiction in:

4 (1) the precinct from which the motor vehicle was
5 towed; or

6 (2) for booted vehicles, the precinct in which the
7 parking facility is located.

8 SECTION 14. Section 2308.504(b), Occupations Code, is
9 amended to read as follows:

10 (b) An offense under this section is a Class C misdemeanor.
11 An offense under this section is enforceable by law enforcement.

12 SECTION 15. Section 2308.505(b), Occupations Code, is
13 amended to read as follows:

14 (b) An offense under this section is a misdemeanor
15 punishable by a fine of not less than \$200 or more than \$1,000 per
16 violation. An offense under this section is enforceable by law
17 enforcement.

18 SECTION 16. (a) The change in law made by this Act to
19 Section 2308.159, Occupations Code, applies only to an application
20 for renewal of a license made on or after September 1, 2011.

21 (b) An application for renewal of a license made before
22 September 1, 2011, is governed by the law as it existed immediately
23 before September 1, 2011, and that law is continued in effect for
24 that purpose.

25 SECTION 17. To the extent of any conflict, this Act prevails
26 over another Act of the 82nd Legislature, Regular Session, 2011,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 18. This Act takes effect September 1, 2011.