

## **BILL ANALYSIS**

Senate Research Center  
83R15033 SLB-D

H.B. 338  
By: Guillen (Nichols)  
Transportation  
4/25/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 338 amends the Occupations Code to require a hearing regarding a towed motor vehicle to be in any justice court having jurisdiction in the county, rather than in the precinct from which the vehicle was towed. The bill revises the required contents of the notice for such a hearing to require that the notice include a statement of the person's right to request a hearing in any justice court having jurisdiction in the county from which the vehicle was towed and to require that the notice include, in addition to certain contact information for each such justice court, the address of an Internet website maintained by the Office of Court Administration of the Texas Judicial System that contains such information.

H.B. 338 amends current law relating to the court in which a hearing regarding the towing of a motor vehicle may be held.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2308.453, Occupations Code, as follows:

Sec. 2308.453. JURISDICTION. (a) Creates this subsection from existing text. Requires that a hearing under this chapter, for towed vehicles, be in any justice court having jurisdiction in the county, rather than in the precinct, from which the motor vehicle was towed. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires that a hearing under this chapter, for booted vehicles, be in the justice court having jurisdiction in the precinct in which the parking facility is located. Makes nonsubstantive changes.

SECTION 2. Amends Section 2308.455, Occupations Code, as follows:

Sec. 2308.455. CONTENTS OF NOTICE. Requires that the notice under Section 2308.454 include:

(1) a statement of:

(A) the person's right to submit a request within 14 days for a court hearing to determine whether probable cause existed to remove, or install a boot on, the vehicle;

(B) the information that a request for a hearing must contain;

(C) any filing fee for the hearing; and

(D) the person's right to request a hearing in any justice court having jurisdiction in the county from which the vehicle was towed;

(2) the name, address, and telephone number of the towing company that removed the vehicle or the booting company that booted the vehicle;

(3) the name, address, telephone number, and county of the vehicle storage facility in which the vehicle was placed;

(4) the name, street address including city, state, and zip code, and telephone number of the person, parking facility owner, or law enforcement agency that authorized the removal of the vehicle; and

(5) the name, address, and telephone number of each justice court having jurisdiction in the county from which the vehicle was towed, or the address of an Internet website maintained by the Office of Court Administration of the Texas Judicial System that contains the name, address, and telephone number of each justice court having jurisdiction in the county from which the vehicle was towed, rather than the name, address, and telephone number of the justice court having jurisdiction in the precinct in which the parking facility is located.

Makes nonsubstantive changes.

SECTION 3. Makes application of the change in law made by this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.