

BILL ANALYSIS

C.S.H.B. 338
By: Guillen
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a hearing on a towed vehicle must be held in the justice court having jurisdiction in the precinct from which the vehicle was towed, but interested parties contend that it is inconvenient for the owner of a towed vehicle to attend a hearing in one precinct and then travel to another precinct where the vehicle is stored. C.S.H.B. 338 seeks to mitigate the inconvenience by allowing the hearing to be in any justice court having jurisdiction in the county from which the vehicle was towed.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.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 the notice to 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 the notice to 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 338 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2308.453, Occupations Code, is amended to read as follows:

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Sec. 2308.453. JURISDICTION. (a) For towed vehicles, a [A] hearing under this chapter shall be in the justice court having

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jurisdiction in:

(1) the ~~precinct~~ from which the motor vehicle was towed, if requested by the owner of the motor vehicle; or

(2) the precinct in which the vehicle storage facility is located.

(b) For ~~for~~ booted vehicles, a hearing under this chapter shall be in the justice court having jurisdiction in the precinct in which the parking facility is located.

No equivalent provision.

having jurisdiction in[:

~~(1)~~ the county ~~precinct~~ from which the motor vehicle was towed.

(b) For ~~for~~

~~(2)~~ for booted vehicles, a hearing under this chapter shall be in the justice court having jurisdiction in the precinct in which the parking facility is located.

SECTION 2. Section 2308.455, Occupations Code, is amended to read as follows:

Sec. 2308.455. CONTENTS OF NOTICE. The notice under Section 2308.454 must 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; ~~and~~

(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, ~~and~~ 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 ~~the~~ justice court having jurisdiction in the county from ~~precinct in~~ 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 ~~parking facility is located~~.

SECTION 2. The change in law made by this Act applies only to a cause of action filed on or after the effective date of this Act. A cause of action filed before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.