

BILL ANALYSIS

H.B. 411
By: King, Phil
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that changes need to be made to address the difficulty of locating an impounded vehicle after a court hearing and to accelerate the release of an impounded or immobilized vehicle to its rightful owner. H.B. 411 seeks to address these grievances by amending the law relating to the release of a vehicle held by a vehicle storage facility and the removal of a boot on a vehicle by a booting company.

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

H.B. 411 amends the Occupations Code to authorize a justice court, in a hearing on whether probable cause existed for the removal and placement of a vehicle in a vehicle storage facility or for the booting of a vehicle without the consent of the vehicle's owner or operator, to issue an order of release directing the vehicle storage facility to immediately release the stored vehicle to the owner of the vehicle or directing the booting company to immediately remove the boot from the vehicle. The bill authorizes the court, if it finds that the person to whom the order of release was issued has not complied with the order, to issue an order directing the person to appear on a designated date and show cause why the person should not be held in contempt of court. The bill authorizes the court to find the person in contempt of court and impose a punishment if the court finds that the person directly or indirectly disobeyed the order of release.

EFFECTIVE DATE

September 1, 2013.