

By: Guillen

H.B. No. 338

Substitute the following for H.B. No. 338:

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C.S.H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the court in which a hearing regarding the towing of a
3 motor vehicle may be held.

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

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

7 Sec. 2308.453. JURISDICTION. (a) For towed vehicles, a [A]
8 hearing under this chapter shall be in any [~~the~~] justice court
9 having jurisdiction in[+]

10 [~~(1)~~] the county [~~precinct~~] from which the motor
11 vehicle was towed.

12 (b) For [~~or~~

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

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

18 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
19 Section 2308.454 must include:

20 (1) a statement of:

21 (A) the person's right to submit a request within
22 14 days for a court hearing to determine whether probable cause
23 existed to remove, or install a boot on, the vehicle;

24 (B) the information that a request for a hearing

1 must contain; ~~and~~

2 (C) any filing fee for the hearing; and

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

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

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

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

16 (5) the name, address, and telephone number of each
17 ~~the~~ justice court having jurisdiction in the county from
18 ~~precinct in~~ which the vehicle was towed, or the address of an
19 Internet website maintained by the Office of Court Administration
20 of the Texas Judicial System that contains the name, address, and
21 telephone number of each justice court having jurisdiction in the
22 county from which the vehicle was towed ~~[parking facility is~~
23 ~~located]~~.

24 SECTION 3. The change in law made by this Act applies only
25 to a cause of action filed on or after the effective date of this
26 Act. A cause of action filed before the effective date of this Act
27 is governed by the law in effect on the date the action was filed,

1 and the former law is continued in effect for that purpose.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.