

1-1 By: Guillen (Senate Sponsor - Nichols) H.B. No. 338
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 18, 2013, read first time and referred to Committee on
 1-4 Transportation; May 9, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 9, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 338 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the court in which a hearing regarding the towing of a
 1-22 motor vehicle may be held.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 2308.453, Occupations Code, is amended
 1-25 to read as follows:

1-26 Sec. 2308.453. JURISDICTION. A hearing under this chapter
 1-27 shall be in any ~~the~~ justice court ~~having jurisdiction~~ in:

1-28 (1) the county ~~precinct~~ from which the motor vehicle
 1-29 was towed; or

1-30 (2) for booted vehicles, the county ~~precinct~~ in
 1-31 which the parking facility is located.

1-32 SECTION 2. Section 2308.455, Occupations Code, is amended
 1-33 to read as follows:

1-34 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
 1-35 Section 2308.454 must include:

1-36 (1) a statement of:

1-37 (A) the person's right to submit a request within
 1-38 14 days for a court hearing to determine whether probable cause
 1-39 existed to remove, or install a boot on, the vehicle;

1-40 (B) the information that a request for a hearing
 1-41 must contain; ~~and~~

1-42 (C) any filing fee for the hearing; and

1-43 (D) the person's right to request a hearing in
 1-44 any justice court in:

1-45 (i) the county from which the vehicle was
 1-46 towed; or

1-47 (ii) for booted vehicles, the county in
 1-48 which the parking facility is located;

1-49 (2) the name, address, and telephone number of the
 1-50 towing company that removed the vehicle or the booting company that
 1-51 booted the vehicle;

1-52 (3) the name, address, ~~and~~ telephone number, and
 1-53 county of the vehicle storage facility in which the vehicle was
 1-54 placed;

1-55 (4) the name, street address including city, state,
 1-56 and zip code, and telephone number of the person, parking facility
 1-57 owner, or law enforcement agency that authorized the removal of the
 1-58 vehicle; and

1-59 (5) the name, address, and telephone number of each
 1-60 the justice court ~~having jurisdiction~~ in the county from

2-1 [~~precinct in~~] which the vehicle was towed or, for booted vehicles,
2-2 the county in which the parking facility is located, or the address
2-3 of an Internet website maintained by the Office of Court
2-4 Administration of the Texas Judicial System that contains the name,
2-5 address, and telephone number of each justice court in that county
2-6 [parking facility is located].

2-7 SECTION 3. The change in law made by this Act applies only
2-8 to a cause of action filed on or after the effective date of this
2-9 Act. A cause of action filed before the effective date of this Act
2-10 is governed by the law in effect on the date the action was filed,
2-11 and the former law is continued in effect for that purpose.

2-12 SECTION 4. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2013.

2-17 * * * * *