

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(b) For ~~[, or~~

~~[(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

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.

ADOPTED

MAY 17 2013

Atty Gen
Secretary of the Senate

By: Guillen/Nichols

H.B. No. 338

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

By: [Signature]

C.S. H.B. No. 338

A BILL TO BE ENTITLED

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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 hearing under this chapter
8 shall be in any [~~the~~] justice court [~~having jurisdiction~~] in:

9 (1) the county [~~precinct~~] from which the motor vehicle
10 was towed; or

11 (2) for booted vehicles, the county [~~precinct~~] in
12 which the parking facility is located.

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

15 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
16 Section 2308.454 must include:

17 (1) a statement of:

18 (A) the person's right to submit a request within
19 14 days for a court hearing to determine whether probable cause
20 existed to remove, or install a boot on, the vehicle;

21 (B) the information that a request for a hearing
22 must contain; [~~and~~]

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

24 (D) the person's right to request a hearing in

1 any justice court in:

2 (i) the county from which the vehicle was
3 towed; or

4 (ii) for booted vehicles, the county in
5 which the parking facility is located;

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, for booted vehicles,
19 the county in which the parking facility is located, or the address
20 of an Internet website maintained by the Office of Court
21 Administration of the Texas Judicial System that contains the name,
22 address, and telephone number of each justice court in that county
23 ~~[parking facility is 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB338 by Guillen (Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add an additional venue option for towing suits. The owner of the towed motor vehicle may request the case be brought in any justice court in the county from which the vehicle was towed.

According to the Office of Court Administration, no additional judicial workload is anticipated; therefore, no significant fiscal impact to the courts is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, AG, RB, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB338 by Guillen (Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add an additional venue option for towing suits. The owner of the towed motor vehicle may request the case be brought in any justice court in the county from which the vehicle was towed.

According to the Office of Court Administration, no additional judicial workload is anticipated; therefore, no significant fiscal impact to the courts is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, RB, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 19, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB338 by Guillen (Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add an additional venue option for towing suits. The owner of the towed motor vehicle may request the case be brought in any justice court having jurisdiction in the county from which the vehicle was towed.

According to the Office of Court Administration, no additional judicial workload is anticipated; therefore, no significant fiscal impact to the courts is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, RB, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 21, 2013

TO: Honorable Wayne Smith, Chair, House Committee On Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB338 by Guillen (Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add an additional venue option for towing suits. The owner of the towed motor vehicle may request the case be brought in any justice court having jurisdiction in the county from which the vehicle was towed.

According to the Office of Court Administration, no additional judicial workload is anticipated; therefore, no significant fiscal impact to the courts is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, RB, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 4, 2013

TO: Honorable Wayne Smith, Chair, House Committee On Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB338 by Guillen (Relating to the court in which a hearing regarding the towing of a motor vehicle may be held.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to add an additional venue option for towing suits. The owner of the towed motor vehicle may request the case be brought in the justice court precinct where the vehicle was towed, as opposed to the precinct where the vehicle storage facility is located.

According to the Office of Court Administration, no additional judicial workload is anticipated; therefore, no significant fiscal impact to the courts is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, RB, TP