

By: Villalba

H.B. No. 385

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle booting.

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

SECTION 1. Section 2308.002(1-a), Occupations Code, is amended to read as follows:

(1-a) "Boot" means a [~~lockable road wheel clamp or similar vehicle immobilization~~] device that, when installed and locked on any part of a parked vehicle, is designed to:

(A) immobilize the [~~a parked~~] vehicle and prevent its movement; or

(B) otherwise prevent the lawful operation of the vehicle [~~until the device is unlocked or removed~~].

SECTION 2. Section 2308.2085(b), Occupations Code, as amended by S.B. No. 1501 and S.B. No. 2065, Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) Regulations adopted under this section must:

(1) establish the maximum amount that may be charged for a boot removal fee;

(2) incorporate the requirements of Sections 2308.257 and 2308.258;

(3) [~~(2)~~] include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator; and

1 (4) [~~(3)~~] provide for:

2 (A) the imposition of a penalty on a booting
3 company or operator for a violation of Section 2308.258; and

4 (B) the revocation of the license, permit, or
5 other authorization of a booting company if the company violates
6 Section 2308.258 more than twice in a five-year period.

7 SECTION 3. Section 2308.258, Occupations Code, as added by
8 S.B. No. 1501 and S.B. No. 2065, Acts of the 85th Legislature,
9 Regular Session, 2017, is reenacted and amended to read as follows:

10 Sec. 2308.258. BOOT INSTALLATION AND REMOVAL. (a) A boot
11 operator may install a boot on an unauthorized vehicle in a parking
12 facility without the consent of the vehicle owner or operator only
13 if the vehicle has been parked, stored, or located on the parking
14 facility continuously for 30 minutes or longer.

15 (b) A booting company responsible for the installation of a
16 boot on a vehicle shall remove the boot not later than one hour
17 after the time the owner or operator of the vehicle contacts the
18 company to request removal of the boot.

19 (c) [~~(b)~~] A booting company shall waive the amount of the
20 fee for removal of a boot, excluding any associated parking fees,
21 if:

22 (1) the boot operator installs a boot in violation of
23 Subsection (a); or

24 (2) the company fails to have the boot removed within
25 the time prescribed by Subsection (b) [~~(a)~~].

26 (d) [~~(c)~~] A booting company may not:

27 (1) charge a boot removal fee that is greater than the

1 maximum amount established by a local authority; or

2 (2) if the booting company is responsible for the
3 installation of more than one boot on a vehicle, ~~[may not]~~ charge a
4 total amount for the removal of the boots that is greater than the
5 amount of the fee for the removal of a single boot.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect December 1, 2017.