

## **BILL ANALYSIS**

C.S.H.B. 925  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that some additional vehicle booting regulations are needed to protect small businesses that boot vehicles from having their reputations tarnished by bad actors who use the lack of booting regulation to their advantage. C.S.H.B. 925 seeks to address this issue by providing for additional regulations with the goal of protecting vehicle owners as well as the reputations of booting companies.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 925 amends the Occupations Code to redefine "boot" under the Texas Towing and Booting Act from a lockable road wheel clamp or similar vehicle immobilization device that is designed to immobilize a parked vehicle and prevent its movement until the device is unlocked or removed to a device that, when installed and locked on any part of a parked vehicle, is designed to immobilize the vehicle and prevent its movement or otherwise prevent the lawful operation of the vehicle. The bill requires the Texas Commission of Licensing and Regulation by rule, not later than January 1, 2018, to establish the maximum amount that may be charged for a boot removal fee. Effective January 1, 2018, the bill prohibits a holder of a license or permit under the act from charging a boot removal fee that is greater than either that maximum amount or a boot removal fee authorized by a political subdivision and prohibits a booting company responsible for the installation of more than one boot on a vehicle from charging a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

C.S.H.B. 925 conditions a municipality's authority to regulate the fees that may be charged in connection with the booting of a vehicle on the fee for boot removal not exceeding the maximum amount established by the commission. The bill includes as a condition of a parking facility owner's authority to cause a boot to be installed on an unauthorized vehicle in the parking facility without the consent of the vehicle owner or operator a condition that the vehicle has been parked, stored, or located on the parking facility continuously for 30 minutes or longer. The bill requires the notice affixed to a vehicle by a boot operator that installs a boot on the vehicle to include, in the manner prescribed by the Texas Department of Licensing and Regulation (TDLR), notice of the procedure to file a complaint with TDLR for violation of the Texas Towing and Booting Act by a boot operator.

C.S.H.B. 925 requires a booting company responsible for the installation of a boot on a vehicle to remove the boot not later than one hour after the time the vehicle owner or operator contacts the company to request removal of the boot and requires a booting company to waive the fee amount for a boot removal, excluding any associated parking fees, if the company fails to have the boot removed within that prescribed time. The bill requires the commission to impose an administrative penalty on a booting company that violates such requirements and to revoke the license of a booting company that violates the requirements more than twice in a five-year period.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 925 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

No equivalent provision.

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

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 3. Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.2066 to read as follows:

Sec. 2308.2066. FEES FOR BOOT REMOVAL. (a) A license or permit holder may not charge a boot removal fee that is greater than:

(1) the maximum amount that may be charged for a boot removal fee established under Section 2308.0575; or

(2) a boot removal fee authorized by a political subdivision.

(b) A booting company responsible for the installation of more than one boot on a vehicle may not charge a total amount for the removal of the boots that is greater than the amount of the fee for the removal of a single boot.

SECTION 1. Section 2308.2085, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Subject to Subsection (d), a [A] municipality may regulate the fees that may be charged in connection with the booting of a vehicle, including associated parking fees.

(d) The fee that may be charged for the removal of a boot may not exceed \$100.

SECTION 2. Section 2308.257, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause a boot to be installed on the vehicle in the parking facility if:

(1) the vehicle has been parked, stored, or located on the parking facility continuously for one hour or longer; and

(2) signs that comply with Subchapter G prohibiting unauthorized vehicles are located on the parking facility at the time of the booting and for the preceding 24 hours and remain installed at the time of the booting.

(b) A boot operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:

(1) that the vehicle has been booted and damage may occur if the vehicle is moved;

(2) the date and time the boot was installed;

(3) the name, address, and telephone number of the booting company;

(4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;

(5) the amount of the fee for removal of the boot and any associated parking fees; ~~and~~

(6) notice of the right of a vehicle owner or vehicle operator to a hearing under

SECTION 4. Section 2308.2085(b), Occupations Code, is amended to read as follows:

(b) A municipality may regulate the fees that may be charged in connection with the booting of a vehicle, including associated parking fees, if the fee for boot removal does not exceed the maximum amount that may be charged for a boot removal fee established under Section 2308.0575.

SECTION 2. Section 2308.0575, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission by rule shall establish the maximum amount that may be charged for a boot removal fee.

SECTION 5. Sections 2308.257(a) and (b), Occupations Code, are amended to read as follows:

(a) A parking facility owner may, without the consent of the owner or operator of an unauthorized vehicle, cause a boot to be installed on the vehicle in the parking facility if:

(1) the vehicle has been parked, stored, or located on the parking facility continuously for 30 minutes or longer; and

(2) signs that comply with Subchapter G prohibiting unauthorized vehicles are located on the parking facility at the time of the booting and for the preceding 24 hours and remain installed at the time of the booting.

(b) A boot operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:

(1) that the vehicle has been booted and damage may occur if the vehicle is moved;

(2) the date and time the boot was installed;

(3) the name, address, and telephone number of the booting company;

(4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;

(5) the amount of the fee for removal of the boot and any associated parking fees; ~~and~~

(6) notice of the right of a vehicle owner or vehicle operator to a hearing under

Subchapter J; and  
(7) in the manner prescribed by the department, notice of the procedure to file a complaint with the department for violation of this chapter by a boot operator.  
(b-1) No more than one boot may be installed on a vehicle at any time.

SECTION 3. Subchapter F, Chapter 2308, Occupations Code, is amended.

SECTION 4. Section 2308.501, Occupations Code, is amended.

SECTION 5. Subchapter K, Chapter 2308, Occupations Code, is amended.

No equivalent provision.

SECTION 6. This Act takes effect September 1, 2017.

Subchapter J; and  
(7) in the manner prescribed by the department, notice of the procedure to file a complaint with the department for violation of this chapter by a boot operator.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. The Texas Commission of Licensing and Regulation shall adopt rules to implement Section 2308.0575, Occupations Code, as amended by this Act, not later than January 1, 2018.

SECTION 10. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2017.  
(b) Section 2308.2066, Occupations Code, as added by this Act, takes effect January 1, 2018.