

BILL ANALYSIS

C.S.H.B. 2427
By: Neave
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain procedures under the Texas Towing and Booting Act regarding an illegal or predatory tow do not provide victims of these tows a sufficient amount of time to understand their rights under the law. C.S.H.B. 2427 seeks to remedy this situation by reforming the law regarding notice and request for a hearing regarding a vehicle that has been towed or booted.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2427 amends the Occupations Code to extend the deadline by which a person entitled to a hearing under the Texas Towing and Booting Act must deliver a written request for the hearing to the court from before the 14th day after the date the applicable vehicle was removed and placed in a vehicle storage facility or booted, excluding weekend days and legal holidays, to before the 60th day after that date, excluding those days and holidays.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2427 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

SECTION 1. Section 2308.455, Occupations Code, is amended to read as follows:
Sec. 2308.455. CONTENTS OF NOTICE.
The notice under Section 2308.454 must

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2308.455, Occupations Code, is amended to read as follows:
Sec. 2308.455. CONTENTS OF NOTICE.
The notice under Section 2308.454 must

85R 26814

17.117.457

Substitute Document Number: 85R 24018

include:

- (1) a statement of:
 - (A) the person's right to submit a request within 180 [~~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 must contain;
 - (C) any filing fee for the hearing; and
 - (D) the person's right to request a hearing in any justice court in:
 - (i) the county from which the vehicle was towed; or
 - (ii) for booted vehicles, the county in which the parking facility is located;
- (2) the name, address, and telephone number of the towing company that removed the vehicle or the booting company that booted the vehicle;
- (3) the name, address, telephone number, and county of the vehicle storage facility in which the vehicle was placed;
- (4) the name, street address including city, state, and zip code, and telephone number of the person, parking facility owner, or law enforcement agency that authorized the removal of the vehicle; and
- (5) the name, address, and telephone number of each justice court in the county from which the vehicle was towed or, for booted vehicles, the county in which the parking facility is located, or the address of an Internet website maintained by the Office of Court Administration of the Texas Judicial System that contains the name, address, and telephone number of each justice court in that county.

SECTION 2. Sections 2308.456(a), (c), and (c-1), Occupations Code, are amended to read as follows:

- (a) Except as provided by Subsections (c) and (c-1), a person entitled to a hearing under this chapter must deliver a written request for the hearing to the court before the 180th [~~14th~~] day after the date the vehicle was removed and placed in the vehicle storage facility or booted, excluding Saturdays, Sundays, and legal holidays.
- (c) If notice was not given under Section 2308.454, the 180-day [~~14-day~~] deadline for requesting a hearing under Subsection (a) does not apply, and the owner or operator of the vehicle may deliver a written request for

include:

- (1) a statement of:
 - (A) the person's right to submit a request within 60 [~~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 must contain;
 - (C) any filing fee for the hearing; and
 - (D) the person's right to request a hearing in any justice court in:
 - (i) the county from which the vehicle was towed; or
 - (ii) for booted vehicles, the county in which the parking facility is located;
- (2) the name, address, and telephone number of the towing company that removed the vehicle or the booting company that booted the vehicle;
- (3) the name, address, telephone number, and county of the vehicle storage facility in which the vehicle was placed;
- (4) the name, street address including city, state, and zip code, and telephone number of the person, parking facility owner, or law enforcement agency that authorized the removal of the vehicle; and
- (5) the name, address, and telephone number of each justice court in the county from which the vehicle was towed or, for booted vehicles, the county in which the parking facility is located, or the address of an Internet website maintained by the Office of Court Administration of the Texas Judicial System that contains the name, address, and telephone number of each justice court in that county.

SECTION 2. Sections 2308.456(a), (c), and (c-1), Occupations Code, are amended to read as follows:

- (a) Except as provided by Subsections (c) and (c-1), a person entitled to a hearing under this chapter must deliver a written request for the hearing to the court before the 60th [~~14th~~] day after the date the vehicle was removed and placed in the vehicle storage facility or booted, excluding Saturdays, Sundays, and legal holidays.
- (c) If notice was not given under Section 2308.454, the 60-day [~~14-day~~] deadline for requesting a hearing under Subsection (a) does not apply, and the owner or operator of the vehicle may deliver a written request for

a hearing at any time.

(c-1) The ~~180-day~~ [14-day] period for requesting a hearing under Subsection (a) does not begin until the date on which the towing company or vehicle storage facility provides to the vehicle owner or operator the information necessary for the vehicle owner or operator to complete the material for the request for hearing required under Subsections (b)(2) through (6).

SECTION 3. The changes in law made by this Act to Sections 2308.455 and 2308.456, Occupations Code, apply only to a hearing or a notice in connection with a vehicle that is towed or booted on or after the effective date of this Act. A hearing or a notice in connection with a vehicle that is towed or booted before the effective date of this Act is governed by the law in effect when the vehicle was towed or booted, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

a hearing at any time.

(c-1) The ~~60-day~~ [14-day] period for requesting a hearing under Subsection (a) does not begin until the date on which the towing company or vehicle storage facility provides to the vehicle owner or operator the information necessary for the vehicle owner or operator to complete the material for the request for hearing required under Subsections (b)(2) through (6).

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.