

## **BILL ANALYSIS**

C.S.H.B. 2477  
By: Davis, Sarah  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that having a peace officer request a tow for an abandoned or illegally parked or operated vehicle amounts to an inefficient use of municipal finances and resources and that such practice keeps the peace officer from responding to more serious concerns. C.S.H.B. 2477 seeks to address this issue by providing for the authority of a designated municipal employee to request the removal of a vehicle in certain situations.

### **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. 2477 amends the Local Government Code to authorize a home-rule municipality, under an ordinance of the municipality regulating the operation of vehicles for hire in the municipality and to aid in the enforcement of the ordinance, to authorize a designated employee to request the removal of a vehicle operated in violation of the ordinance. The bill authorizes a towing company and a vehicle storage facility to remove and store, respectively, a vehicle requested to be removed by the designated employee without authorization by a peace officer for the removal or storage.

C.S.H.B. 2477 amends the Occupations Code to authorize an employee designated by a municipality, under an ordinance of the municipality regulating the parking of vehicles in the municipality and to aid in the enforcement of the ordinance, to be authorized to request the removal of a vehicle that is located in an area where on-street parking is regulated by the ordinance and that is parked illegally or that is parked legally and has been unattended for more than 48 hours and the employee has reasonable grounds to believe is abandoned. The bill includes such a designated employee as a person under whose direction a parking facility owner or towing company may remove a vehicle from a public roadway.

### **EFFECTIVE DATE**

September 1, 2017.

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

While C.S.H.B. 2477 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. Subchapter D, Chapter 215, Local Government Code, is amended.

SECTION 2. Section 2308.354, Occupations Code, is amended to read as follows:

Sec. 2308.354. AUTHORITY FOR REMOVAL OF VEHICLE FROM PUBLIC ROADWAY. (a) Under an ordinance of a municipality regulating the parking of vehicles in the municipality, to aid in the enforcement of the ordinance, an employee designated by the municipality may be authorized to:

- (1) immobilize a vehicle parked in the municipality; ~~and~~
- (2) remove an immobilized vehicle from a public roadway in the municipality; and
- (3) request the removal of a vehicle parked illegally in an area designated as a tow-away zone where on-street parking is regulated by the ordinance.

(b) A parking facility owner or towing company may not remove a vehicle from a public roadway except under:

- (1) this chapter or a municipal ordinance that complies with Section 2308.208; or
- (2) the direction of a peace officer, a municipal employee under Subsection (a)(3), or the owner or operator of the vehicle.

(c) Subsection ~~[In addition to the authority granted under Subsection (a) and to aid in the enforcement of an ordinance regulating the parking of vehicles, a municipality with a population of 1.9 million or more may authorize a designated employee to request the removal of a vehicle parked illegally in an area designated as a tow away zone in a residential area where on street parking is regulated by the ordinance.~~

~~[(d) Subsections]~~ (a) does ~~[and (e) do]~~ not apply to a vehicle owned by an electric, gas, water, or telecommunications utility while the vehicle is parked for the purpose of

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 2308.354, Occupations Code, is amended to read as follows:

Sec. 2308.354. AUTHORITY FOR REMOVAL OF VEHICLE FROM PUBLIC ROADWAY. (a) Under an ordinance of a municipality regulating the parking of vehicles in the municipality, to aid in the enforcement of the ordinance, an employee designated by the municipality may be authorized to:

- (1) immobilize a vehicle parked in the municipality; ~~and~~
- (2) remove an immobilized vehicle from a public roadway in the municipality; and
- (3) request the removal of a vehicle that is located in an area where on-street parking is regulated by the ordinance and that:
  - (A) is parked illegally; or
  - (B) is parked legally and:
    - (i) has been unattended for more than 48 hours; and
    - (ii) the employee has reasonable grounds to believe is abandoned.

(b) A parking facility owner or towing company may not remove a vehicle from a public roadway except under:

- (1) this chapter or a municipal ordinance that complies with Section 2308.208; or
- (2) the direction of a peace officer, a municipal employee under Subsection (a)(3), or the owner or operator of the vehicle.

(c) Subsection ~~[In addition to the authority granted under Subsection (a) and to aid in the enforcement of an ordinance regulating the parking of vehicles, a municipality with a population of 1.9 million or more may authorize a designated employee to request the removal of a vehicle parked illegally in an area designated as a tow away zone in a residential area where on street parking is regulated by the ordinance.~~

~~[(d) Subsections]~~ (a) does ~~[and (e) do]~~ not apply to a vehicle owned by an electric, gas, water, or telecommunications utility while the vehicle is parked for the purpose of

conducting work on a facility of the utility that is located below, above, or adjacent to the street.

SECTION 3. This Act takes effect September 1, 2017.

conducting work on a facility of the utility that is located below, above, or adjacent to the street.

SECTION 3. Same as introduced version.