

BILL ANALYSIS

Senate Research Center
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H.B. 2976
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, it is against the law for tow companies to relocate a car on the same premises. In some cases, parking facilities will need to remove vehicles in order to resurface, restripe, or provide for other maintenance issues on their lots. If the vehicle owner does not move their vehicle in the time prescribed, the only legal recourse is to have the vehicle towed away at the owner's expense. Legislation is needed to allow for relocating vehicles on the premises so that vehicle owners are not burdened with having to go to a storage facility to retrieve their vehicle.

Additionally, some multi-unit complexes do not allow vehicles on their property without registration stickers being current. Therefore, when it comes to their attention that there is a violation, the complex will mail notices to the vehicle owner. In many cases, the vehicles are not registered to the person who is driving it. This poses a problem when trying to notify the driver directing them to correct the violation or else their vehicle will be removed. Another method of notification is needed to allow whoever is driving the car to know immediately that there is a violation.

H.B. 2976 seeks to address these issues.

H.B. 2976 amends current law relating to the towing of unauthorized or unattended vehicles on a parking facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 3 (Section 2308.205, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2308.002(13), Occupations Code, to redefine "unauthorized vehicle" to include a vehicle parked on a parking facility in violation of a contractual agreement or the parking rules or policies of the parking facility.

SECTION 2. Amends the heading to Section 2308.205, Occupations Code, to read as follows:

Sec. 2308.205. TOWING OF VEHICLES TO LICENSED VEHICLE STORAGE FACILITIES OR OTHER LOCATIONS ON PARKING FACILITIES.

SECTION 3. Amends Section 2308.205, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsection (a-1).

(a-1) Requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules authorizing a towing company that makes a nonconsent tow from a parking facility to tow the vehicle to another location on the same parking facility under the direction of the parking facility owner, a parking facility authorized agent, or a peace officer.

SECTION 4. Amends Sections 2308.251(a) and (c), Occupations Code, as follows:

(a) Prohibits a person, rather than the owner or operator of a vehicle, from leaving unattended on a parking facility certain vehicles, including a vehicle that is parked on the parking facility in violation of a contractual agreement or the parking rules or policies of the parking facility.

(c) Requires that a fire lane in the parking facility, rather than facility, if a government regulation governing the marking of a fire lane applies to a parking facility, be marked as provided by the regulation.

SECTION 5. Amends Section 2308.253(c), (d), and (e), Occupations Code, as follows:

(c) Prohibits a parking facility owner from having an emergency vehicle described by Section 2308.251(b) towed, rather than removed, from the parking facility.

(d) Makes a conforming change.

(e) Provides that a contract provision providing for the towing, rather than removal, from a parking facility of a vehicle that does not display an unexpired license plate or registration insignia is valid only if the provision requires the owner or operator of the vehicle to be given at least 10 days' written notice that the vehicle will be towed from the parking facility at the vehicle owner's or operator's expense if it is not removed from the parking facility. Requires that the notice state certain information and be delivered, sent, or attached in a certain manner.

SECTION 6. Requires TCLR to adopt rules to implement Section 2308.205(a-1), Occupations Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2018.