

By: Villalba, Capriglione, Anchia, Alvarado

H.B. No. 925

Substitute the following for H.B. No. 925:

By: Alvarado

C.S.H.B. No. 925

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the booting of vehicles; imposing an administrative penalty; changing a fee.

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 2308.0575, 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 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (6) notice of the right of a vehicle owner or vehicle
12 operator to a hearing under Subchapter J; and

13 (7) in the manner prescribed by the department, notice
14 of the procedure to file a complaint with the department for
15 violation of this chapter by a boot operator.

16 SECTION 6. Subchapter F, Chapter 2308, Occupations Code, is
17 amended by adding Section 2308.258 to read as follows:

18 Sec. 2308.258. BOOT REMOVAL. (a) A booting company
19 responsible for the installation of a boot on a vehicle shall remove
20 the boot not later than one hour after the time the owner or
21 operator of the vehicle contacts the company to request removal of
22 the boot.

23 (b) A booting company shall waive the amount of the fee for
24 removal of a boot, excluding any associated parking fees, if the
25 company fails to have the boot removed within the time prescribed by
26 Subsection (a).

27 SECTION 7. Section 2308.501, Occupations Code, is amended

1 by adding Subsection (a-1) to read as follows:

2 (a-1) The commission shall impose an administrative penalty
3 on a booting company under Subchapter F, Chapter 51, if the company
4 violates Section 2308.258.

5 SECTION 8. Subchapter K, Chapter 2308, Occupations Code, is
6 amended by adding Section 2308.5031 to read as follows:

7 Sec. 2308.5031. MANDATORY REVOCATION OF BOOTING COMPANY
8 LICENSE. The commission shall revoke the license of a booting
9 company under Subchapter G, Chapter 51, if the company violates
10 Section 2308.258 more than twice in a five-year period.

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

14 SECTION 10. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect September 1, 2017.

16 (b) Section 2308.2066, Occupations Code, as added by this
17 Act, takes effect January 1, 2018.