

By: Villalba

H.B. No. 925

A BILL TO BE ENTITLED

1 AN ACT

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

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

13 SECTION 2. Section 2308.257, Occupations Code, is amended  
14 by amending Subsections (a) and (b) and adding Subsection (b-1) to  
15 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 one hour 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.

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

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

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

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

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

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

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

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

19 (b-1) No more than one boot may be installed on a vehicle at  
20 any time.

21 SECTION 3. Subchapter F, Chapter 2308, Occupations Code, is  
22 amended by adding Section 2308.258 to read as follows:

23 Sec. 2308.258. BOOT REMOVAL. (a) A booting company  
24 responsible for the installation of a boot on a vehicle shall remove  
25 the boot not later than one hour after the time the owner or  
26 operator of the vehicle contacts the company to request removal of  
27 the boot.

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

5        SECTION 4. Section 2308.501, Occupations Code, is amended  
6 by adding Subsection (a-1) to read as follows:

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

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

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

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