

By: Neave

H.B. No. 2427

A BILL TO BE ENTITLED

AN ACT

relating to notice and request for a hearing regarding a vehicle that has been towed or booted.

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

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 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;

1 (3) the name, address, telephone number, and county of
2 the vehicle storage facility in which the vehicle was placed;

3 (4) the name, street address including city, state,
4 and zip code, and telephone number of the person, parking facility
5 owner, or law enforcement agency that authorized the removal of the
6 vehicle; and

7 (5) the name, address, and telephone number of each
8 justice court in the county from which the vehicle was towed or, for
9 booted vehicles, the county in which the parking facility is
10 located, or the address of an Internet website maintained by the
11 Office of Court Administration of the Texas Judicial System that
12 contains the name, address, and telephone number of each justice
13 court in that county.

14 SECTION 2. Sections [2308.456\(a\)](#), (c), and (c-1),
15 Occupations Code, are amended to read as follows:

16 (a) Except as provided by Subsections (c) and (c-1), a
17 person entitled to a hearing under this chapter must deliver a
18 written request for the hearing to the court before the 180th [~~14th~~]
19 day after the date the vehicle was removed and placed in the vehicle
20 storage facility or booted, excluding Saturdays, Sundays, and legal
21 holidays.

22 (c) If notice was not given under Section [2308.454](#), the
23 180-day [~~14-day~~] deadline for requesting a hearing under Subsection
24 (a) does not apply, and the owner or operator of the vehicle may
25 deliver a written request for a hearing at any time.

26 (c-1) The 180-day [~~14-day~~] period for requesting a hearing
27 under Subsection (a) does not begin until the date on which the

1 towing company or vehicle storage facility provides to the vehicle
2 owner or operator the information necessary for the vehicle owner
3 or operator to complete the material for the request for hearing
4 required under Subsections (b)(2) through (6).

5 SECTION 3. The changes in law made by this Act to Sections
6 [2308.455](#) and [2308.456](#), Occupations Code, apply only to a hearing or
7 a notice in connection with a vehicle that is towed or booted on or
8 after the effective date of this Act. A hearing or a notice in
9 connection with a vehicle that is towed or booted before the
10 effective date of this Act is governed by the law in effect when the
11 vehicle was towed or booted, and the former law is continued in
12 effect for that purpose.

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