

By: Davis of Harris

H.B. No. 2477

Substitute the following for H.B. No. 2477:

By: Alvarado

C.S.H.B. No. 2477

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of certain municipal employees to request  
3 the removal and storage of certain abandoned or illegally parked or  
4 operated vehicles.

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

6 SECTION 1. Subchapter D, Chapter 215, Local Government  
7 Code, is amended by adding Section 215.0731 to read as follows:

8 Sec. 215.0731. AUTHORITY FOR REMOVAL OF ILLEGALLY OPERATED  
9 VEHICLE FOR HIRE. Under an ordinance of a municipality regulating  
10 the operation of vehicles for hire in the municipality, to aid in  
11 the enforcement of the ordinance:

12 (1) the municipality may authorize a designated  
13 employee to request the removal of a vehicle operated in violation  
14 of the ordinance; and

15 (2) a towing company may remove, and a vehicle storage  
16 facility may store, a vehicle requested to be removed by an employee  
17 under Subdivision (1) without authorization by a peace officer for  
18 the removal or storage.

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

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

1 authorized to:

2 (1) immobilize a vehicle parked in the municipality;

3 [~~and~~]

4 (2) remove an immobilized vehicle from a public  
5 roadway in the municipality; and

6 (3) request the removal of a vehicle that is located in  
7 an area where on-street parking is regulated by the ordinance and  
8 that:

9 (A) is parked illegally; or

10 (B) is parked legally and:

11 (i) has been unattended for more than 48  
12 hours; and

13 (ii) the employee has reasonable grounds to  
14 believe is abandoned.

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

17 (1) this chapter or a municipal ordinance that  
18 complies with Section 2308.208; or

19 (2) the direction of a peace officer, a municipal  
20 employee under Subsection (a)(3), or the owner or operator of the  
21 vehicle.

22 (c) Subsection [~~In addition to the authority granted under~~  
23 ~~Subsection (a) and to aid in the enforcement of an ordinance~~  
24 ~~regulating the parking of vehicles, a municipality with a~~  
25 ~~population of 1.9 million or more may authorize a designated~~  
26 ~~employee to request the removal of a vehicle parked illegally in an~~  
27 ~~area designated as a tow-away zone in a residential area where~~

1 ~~on-street parking is regulated by the ordinance.~~

2        [~~(d) Subsections~~] (a) does [~~and (c) do~~] not apply to a  
3 vehicle owned by an electric, gas, water, or telecommunications  
4 utility while the vehicle is parked for the purpose of conducting  
5 work on a facility of the utility that is located below, above, or  
6 adjacent to the street.

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