

By: Davis of Harris

H.B. No. 2477

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain municipal employees to request
3 the removal and storage of certain illegally parked or operated
4 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 parked illegally
7 in an area designated as a tow-away zone where on-street parking is
8 regulated by the ordinance.

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

11 (1) this chapter or a municipal ordinance that
12 complies with Section 2308.208; or

13 (2) the direction of a peace officer, a municipal
14 employee under Subsection (a)(3), or the owner or operator of the
15 vehicle.

16 (c) Subsection ~~[In addition to the authority granted under~~
17 ~~Subsection (a) and to aid in the enforcement of an ordinance~~
18 ~~regulating the parking of vehicles, a municipality with a~~
19 ~~population of 1.9 million or more may authorize a designated~~
20 ~~employee to request the removal of a vehicle parked illegally in an~~
21 ~~area designated as a tow-away zone in a residential area where~~
22 ~~on-street parking is regulated by the ordinance.~~

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

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