

By: Lucio III

H.B. No. 2733

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a towing company or booting company to  
3 remove and store or boot an unauthorized vehicle in a parking  
4 facility.

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

6 SECTION 1. The heading to Section 2308.255, Occupations  
7 Code, is amended to read as follows:

8 Sec. 2308.255. TOWING COMPANY'S [~~OR BOOT OPERATOR'S~~]  
9 AUTHORITY TO REMOVE AND STORE [~~OR BOOT~~] UNAUTHORIZED VEHICLE.

10 SECTION 2. Section 2308.255, Occupations Code, is amended  
11 by amending Subsection (d) and adding Subsections (e) and (f) to  
12 read as follows:

13 (d) A towing company may not remove and store a vehicle  
14 under Subsection (a) unless [~~and a boot operator may boot a vehicle~~  
15 ~~under Section 2308.257 only if~~] the parking facility owner or a  
16 person authorized by the parking facility owner under Subsection  
17 (e) [+

18 [~~(1)~~] requests that the towing company remove and  
19 store [~~or that the boot operator boot~~] the specific vehicle[~~, or~~

20 [~~(2) has a standing written agreement with the towing~~  
21 ~~company or boot operator to enforce parking restrictions in the~~  
22 ~~parking facility]~~.

23 (e) A parking facility owner may authorize a person to  
24 request that a towing company remove and store a specific vehicle

1 under Subsection (d) if:

2 (1) the person is authorized by the parking facility  
3 owner to park a vehicle in a specific space in the parking facility;

4 and

5 (2) the vehicle the person is requesting to be towed is  
6 obstructing or occupying the space in which the person is  
7 authorized to park.

8 (f) A request under Subsection (d) that is made by a person  
9 authorized by a parking facility owner under Subsection (e) is  
10 considered to be made by the parking facility owner.

11 SECTION 3. Section 2308.257, Occupations Code, is amended  
12 by adding Subsection (f) to read as follows:

13 (f) A booting company may not boot a vehicle under this  
14 section unless the parking facility owner requests that the company  
15 boot the specific vehicle.

16 SECTION 4. The changes in law made by this Act to Sections  
17 2308.255 and 2308.257, Occupations Code, do not apply to the towing  
18 or booting of a vehicle pursuant to a standing written agreement  
19 between a towing company or booting company and a parking facility  
20 owner entered into before the effective date of this Act. The  
21 towing or booting of a vehicle pursuant to a standing written  
22 agreement entered into before the effective date of this Act is  
23 governed by the law as it existed immediately before the effective  
24 date of this Act, and that law is continued in effect for that  
25 purpose.

26 SECTION 5. This Act takes effect September 1, 2017.