

By: Frullo

H.B. No. 2976

Substitute the following for H.B. No. 2976:

By: Guillen

C.S.H.B. No. 2976

A BILL TO BE ENTITLED

AN ACT

relating to the towing of unauthorized or unattended vehicles on a parking facility.

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

SECTION 1. Section 2308.002(13), Occupations Code, is amended to read as follows:

(13) "Unauthorized vehicle" means a vehicle parked, stored, or located on a parking facility without the consent of the parking facility owner. The term includes a vehicle parked on a parking facility in violation of a contractual agreement or the parking rules or policies of the parking facility.

SECTION 2. The heading to Section 2308.205, Occupations Code, is amended to read as follows:

Sec. 2308.205. TOWING OF [STORAGE OF TOWED] VEHICLES TO LICENSED VEHICLE STORAGE FACILITIES OR OTHER LOCATIONS ON PARKING FACILITIES.

SECTION 3. Section 2308.205, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless the towing company agrees to take the vehicle to a location designated

1 by the vehicle's owner.

2 (a-1) The commission shall adopt rules authorizing a towing
3 company that makes a nonconsent tow from a parking facility to tow
4 the vehicle to another location on the same parking facility under
5 the direction of:

6 (1) the parking facility owner;

7 (2) a parking facility authorized agent; or

8 (3) a peace officer.

9 SECTION 4. Sections 2308.251(a) and (c), Occupations Code,
10 are amended to read as follows:

11 (a) A person [~~The owner or operator of a vehicle~~] may not
12 leave unattended on a parking facility a vehicle that:

13 (1) is in or obstructs a vehicular traffic aisle,
14 entry, or exit of the parking facility;

15 (2) prevents a vehicle from exiting a parking space in
16 the facility;

17 (3) is in or obstructs a fire lane marked according to
18 Subsection (c);

19 (4) does not display the special license plates issued
20 under Section 504.201, Transportation Code, or the disabled parking
21 placard issued under Chapter 681, Transportation Code, for a
22 vehicle transporting a disabled person and is in a parking space
23 that is designated for the exclusive use of a vehicle transporting a
24 disabled person; [~~or~~]

25 (5) is leaking a fluid that presents a hazard or threat
26 to persons or property; or

27 (6) is parked on the parking facility in violation of a

1 contractual agreement or the parking rules or policies of the
2 parking facility.

3 (c) If a government regulation governing the marking of a
4 fire lane applies to a parking facility, a fire lane in the parking
5 facility must be marked as provided by the regulation. If a
6 government regulation on the marking of a fire lane does not apply
7 to the parking facility, all curbs of fire lanes must be painted red
8 and be conspicuously and legibly marked with the warning "FIRE
9 LANE--TOW AWAY ZONE" in white letters at least three inches tall, at
10 intervals not exceeding 50 feet.

11 SECTION 5. Sections 2308.253(c), (d), and (e), Occupations
12 Code, are amended to read as follows:

13 (c) A parking facility owner may not have an emergency
14 vehicle described by Section 2308.251(b) towed ~~[removed]~~ from the
15 parking facility.

16 (d) Except as provided by a contract described by Subsection
17 (e), a parking facility owner may not have a vehicle towed ~~[removed]~~
18 from the parking facility merely because the vehicle does not
19 display an unexpired license plate or registration insignia issued
20 for the vehicle under Chapter 502, Transportation Code, or the
21 vehicle registration law of another state or country.

22 (e) A contract provision providing for the towing ~~[removal]~~
23 from a parking facility of a vehicle that does not display an
24 unexpired license plate or registration insignia is valid only if
25 the provision requires the owner or operator of the vehicle to be
26 given at least 10 days' written notice that the vehicle will be
27 towed from the parking facility at the vehicle owner's or operator's

1 expense if it is not removed from the parking facility. The notice
2 must:

3 (1) state:

4 (A) that the vehicle does not display an
5 unexpired license plate or registration insignia;

6 (B) that the vehicle will be towed at the expense
7 of the owner or operator of the vehicle if the vehicle does not
8 display an unexpired license plate or registration insignia; and

9 (C) a telephone number that is answered 24 hours
10 a day to enable the owner or operator of the vehicle to locate the
11 vehicle; and

12 (2) be:

13 (A) [~~(1)~~] delivered in person to the owner or
14 operator of the vehicle; [~~or~~]

15 (B) [~~(2)~~] sent by certified mail, return receipt
16 requested, to that owner or operator; or

17 (C) attached:

18 (i) to the vehicle's front windshield;

19 (ii) to the vehicle's driver's side window;

20 or

21 (iii) if the vehicle has no front
22 windshield or driver's side window, to a conspicuous part of the
23 vehicle.

24 SECTION 6. The Texas Commission of Licensing and Regulation
25 shall adopt rules to implement Section 2308.205(a-1), Occupations
26 Code, as added by this Act, as soon as practicable after the
27 effective date of this Act.

1 SECTION 7. Section [2308.253\(e\)](#), Occupations Code, as
2 amended by this Act, applies only to a contract, including a lease
3 or rental agreement, entered into on or after the effective date of
4 this Act. A contract entered into before that date is governed by
5 the law in effect on the date the contract was entered into, and the
6 former law is continued in effect for that purpose.

7 SECTION 8. This Act takes effect September 1, 2018.