

By: Goldman

H.B. No. 3620

A BILL TO BE ENTITLED

AN ACT

relating to the towing, booting, and storage of vehicles.

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

SECTION 1. Sections 2303.002(1), (7), and (8), Occupations Code, are amended to read as follows:

(1) "Abandoned nuisance vehicle" means a motor vehicle that is[+]

~~[(A) at least 10 years old; and
(B)]~~ of a condition only to be crushed
~~[demolished, wrecked,]~~ or dismantled.

(7) "Vehicle" means:

(A) a motor vehicle, trailer, or semitrailer, as defined by Section 501.002 ~~[for which the issuance of a certificate of title is required under Chapter 501]~~, Transportation Code; or

(B) a vessel, as defined by Section 31.003, Parks and Wildlife Code ~~[any other device designed to be self-propelled or transported on a public highway]~~.

(8) "Vehicle storage facility" means a garage, parking lot, or other facility that is:

(A) owned by a person other than a governmental entity; and

(B) used to store ~~[or park]~~ at least 10 vehicles each year.

SECTION 2. Section 2303.003(a), Occupations Code, is

1 amended to read as follows:

2 (a) This chapter does not apply to a vehicle stored [~~or~~
3 ~~parked~~] at a vehicle storage facility with the consent of the owner
4 of the vehicle.

5 SECTION 3. Subchapter A, Chapter 2303, Occupations Code, is
6 amended by adding Section 2303.004 to read as follows:

7 Sec. 2303.004. MUNICIPAL LAW OR GOVERNMENTAL CONTRACT
8 CONTROLS. Unless specifically provided otherwise, this chapter
9 does not control over:

- 10 (1) a municipal ordinance or charter; or
11 (2) a contract with a governmental entity to provide
12 services for incident management towing, as defined by Section
13 2308.002.

14 SECTION 4. Section 2303.1015(a), Occupations Code, is
15 amended to read as follows:

16 (a) A person may not work at a vehicle storage facility
17 unless the person holds:

- 18 (1) a license issued under this chapter;
19 (2) an incident management towing operator's license
20 under Section 2308.153;
21 (3) a private property towing operator's license under
22 Section 2308.154; or
23 (4) a consent towing operator's license under Section
24 2308.155.

25 SECTION 5. Section 2303.104(b), Occupations Code, is
26 amended to read as follows:

27 (b) The notice must state the reason for the department's

1 decision and that the applicant is entitled to a hearing before the
2 State Office of Administrative Hearings under Section 51.354
3 ~~[department under Subchapter E]~~.

4 SECTION 6. Section 2303.151, Occupations Code, is amended
5 by amending Subsection (a) and adding Subsection (b-1) to read as
6 follows:

7 (a) The operator of a vehicle storage facility who receives
8 a vehicle that is registered in this state and that is towed to the
9 vehicle storage facility for storage shall send a written notice to
10 the registered owner and the primary lienholder of the vehicle not
11 later than the fifth day after the date but not earlier than 24
12 hours after the date the operator receives the vehicle.

13 (b-1) If the operator of a vehicle storage facility does not
14 send the notice within the time period described by Subsection (a)
15 or (b), the ability of the operator to dispose of the vehicle as
16 provided by this subchapter is not affected.

17 SECTION 7. Section 2303.1511(a), Occupations Code, is
18 amended to read as follows:

19 (a) A vehicle storage facility accepting a vehicle that is
20 towed under Chapter 2308 ~~[this chapter]~~ shall, within two hours
21 after receiving the vehicle, report to the local law enforcement
22 agency with jurisdiction over the area from which the vehicle was
23 towed:

- 24 (1) a general description of the vehicle;
25 (2) the state and number of the vehicle's license
26 plate, if any;
27 (3) the vehicle identification number of the vehicle,

1 if it can be ascertained;

2 (4) the location from which the vehicle was towed; and

3 (5) the name and location of the vehicle storage
4 facility where the vehicle is being stored.

5 SECTION 8. Section 2303.1551(a), Occupations Code, is
6 amended to read as follows:

7 (a) All storage fees shall be posted or electronically
8 displayed at the licensed vehicle storage facility [~~to which the~~
9 ~~motor vehicle has been delivered~~] and shall be posted or displayed
10 in view of the person who claims the vehicle.

11 SECTION 9. Sections 2303.159(a) and (a-1), Occupations
12 Code, are amended to read as follows:

13 (a) The operator of a vehicle storage facility shall accept
14 each of the following forms of payment for any charge associated
15 with delivery or storage of a vehicle:

16 (1) cash;

17 (2) debit card; and

18 (3) credit card, to the same extent that the
19 department accepts a credit card as a form of payment.

20 (a-1) The operator of a vehicle storage facility shall
21 conspicuously post or electronically display a sign that states:
22 "This vehicle storage facility must accept payment by cash, credit
23 card, and debit card for any fee or charge associated with delivery
24 or storage of a vehicle." The operator of a vehicle storage
25 facility may not refuse to release a vehicle based on the inability
26 of the facility to accept payment by debit card or credit card of a
27 fee or charge associated with delivery or storage of the vehicle

1 unless the operator, through no fault of the operator, is unable to
2 accept the debit card or credit card because of a power outage or a
3 machine malfunction.

4 SECTION 10. Section 2303.160, Occupations Code, is amended
5 by amending Subsection (b) and adding Subsection (b-1) to read as
6 follows:

7 (b) Subject to Subsection (b-1), a [A] vehicle storage
8 facility must accept evidence of financial responsibility, as
9 required by Section 601.051, Transportation Code, as documentation
10 [~~an additional form of identification~~] that establishes ownership
11 or right of possession or control of the vehicle.

12 (b-1) A vehicle storage facility may require additional
13 documentation that establishes ownership or right of possession or
14 control of a vehicle if required by a municipal ordinance, law
15 enforcement agency, or governmental agency under which a tow was
16 authorized.

17 SECTION 11. Section 2303.303, Occupations Code, is amended
18 to read as follows:

19 Sec. 2303.303. AUTHORITY TO ARREST. A peace officer [~~or~~
20 ~~license and weight inspector for the Department of Public Safety~~]
21 may make an arrest for a violation of a rule adopted under this
22 chapter.

23 SECTION 12. Subchapter A, Chapter 2308, Occupations Code,
24 is amended by adding Section 2308.0011 to read as follows:

25 Sec. 2308.0011. PURPOSE. This chapter is intended to
26 promote public safety by establishing comprehensive safety
27 requirements for the towing industry without imposing significant

1 burdens on the towing industry.

2 SECTION 13. Sections 2308.002(11), (14), and (16),
3 Occupations Code, are amended to read as follows:

4 (11) "Tow truck" means a motor vehicle, including a
5 wrecker, equipped with a mechanical device used to tow, winch, or
6 otherwise move another motor vehicle. The term does not include:

7 (A) a motor vehicle owned and operated by a
8 governmental entity, including a public school district;

9 (B) a motor vehicle towing:

10 (i) a race car;

11 (ii) a motor vehicle for exhibition; or

12 (iii) an antique motor vehicle;

13 (C) a recreational vehicle towing another
14 vehicle;

15 (D) a motor vehicle used in combination with a
16 tow bar, tow dolly, or other mechanical device if the vehicle is not
17 operated in the furtherance of a commercial enterprise;

18 (E) a motor vehicle that is controlled or
19 operated by a farmer or rancher and used for towing a farm vehicle;

20 (F) a motor vehicle that:

21 (i) is owned or operated by an entity the
22 primary business of which is the rental of motor vehicles; and

23 (ii) only tows vehicles rented by the
24 entity;

25 (G) a truck-trailer combination that is owned or
26 operated by a dealer licensed under Chapter 2301 and used to
27 transport new vehicles during the normal course of a documented

1 transaction in which the dealer is a party and ownership or the
2 right of possession of the transported vehicle is conveyed or
3 transferred; or

4 (H) a car hauler that is:

5 (i) designed to transport three or more
6 motor vehicles at the same time; and

7 (ii) used solely to transport, other than in
8 a consent or nonconsent tow, motor vehicles as cargo in the course
9 of a prearranged shipping transaction or for use in mining,
10 drilling, or construction operations.

11 (14) "Vehicle" means a:

12 (A) motor vehicle, as defined by Section 501.002,
13 Transportation Code; or

14 (B) vessel, as defined by Section 31.003, Parks
15 and Wildlife Code [~~device in, on, or by which a person or property~~
16 ~~may be transported on a public roadway. The term includes an~~
17 ~~operable or inoperable automobile, truck, motorcycle, recreational~~
18 ~~vehicle, or trailer but does not include a device moved by human~~
19 ~~power or used exclusively on a stationary rail or track].~~

20 (16) "Vehicle storage facility" has the meaning
21 assigned [~~means a vehicle storage facility, as defined~~] by Section
22 2303.002 [~~, that is operated by a person who holds a license issued~~
23 ~~under Chapter 2303 to operate the facility].~~

24 SECTION 14. Section 2308.108(a), Occupations Code, is
25 amended to read as follows:

26 (a) The department shall issue a cab card for each tow truck
27 issued a permit. The commission by rule shall prescribe the

1 contents of the cab card [~~must:~~

2 [~~(1) show the permit number of the certificate issued~~
3 ~~under Section 2308.106(b),~~

4 [~~(2) show the type of permit issued,~~

5 [~~(3) show the vehicle unit number,~~

6 [~~(4) show the vehicle identification number, and~~

7 [~~(5) contain a statement that the vehicle has been~~
8 ~~issued a permit under this subchapter].~~

9 SECTION 15. Section 2308.153, Occupations Code, is amended
10 by adding Subsection (c) to read as follows:

11 (c) A person holding a license described by this section may
12 work at a vehicle storage facility regulated under Chapter 2303.

13 SECTION 16. Section 2308.154, Occupations Code, is amended
14 by adding Subsection (c) to read as follows:

15 (c) A person holding a license described by this section may
16 work at a vehicle storage facility regulated under Chapter 2303.

17 SECTION 17. Section 2308.155, Occupations Code, is amended
18 by adding Subsection (c) to read as follows:

19 (c) A person holding a license described by this section may
20 work at a vehicle storage facility regulated under Chapter 2303.

21 SECTION 18. Section 2308.158, Occupations Code, is amended
22 to read as follows:

23 Sec. 2308.158. ALCOHOL AND DRUG TESTING OF TOWING
24 OPERATORS. (a) A towing company shall establish an alcohol and
25 drug testing policy for towing operators. A towing company that
26 establishes an alcohol and drug testing policy under this
27 subsection may adopt:

1 (1) the model alcohol and drug testing policy adopted
2 by the commission;

3 (2) the alcohol and drug testing policy prescribed by
4 49 C.F.R. Part 40; or

5 (3) [~~may use~~] another alcohol and drug testing policy
6 that the department determines is at least as stringent as the
7 policy adopted by the commission.

8 (b) The commission by rule shall adopt a model alcohol and
9 drug testing policy for use by a towing company. The model alcohol
10 and drug testing policy must be designed to ensure the safety of the
11 public through appropriate alcohol and drug testing and to protect
12 the rights of employees. The model alcohol and drug testing policy
13 must [+

14 [~~(1) require at least one scheduled drug test each~~
15 ~~year for each towing operator; and~~

16 [~~(2)~~] authorize random, unannounced alcohol and drug
17 testing for towing operators.

18 SECTION 19. Sections 2308.2065(a) and (b), Occupations
19 Code, are amended to read as follows:

20 (a) A license or permit holder may not charge a fee for a
21 nonconsent tow that is greater than:

22 (1) the fee for a private property [~~nonconsent~~] tow
23 established under Section 2308.0575; or

24 (2) a fee for an incident management or private
25 property [~~a nonconsent~~] tow authorized by a political subdivision.

26 (b) A license or permit holder may not charge a fee for a
27 service related to a nonconsent tow that is not included in the list

1 of fees established:

2 (1) for a private property tow under Section
3 2308.0575; or

4 (2) by a political subdivision.

5 SECTION 20. Section 2308.252(a), Occupations Code, is
6 amended to read as follows:

7 (a) A parking facility owner may, without the consent of the
8 owner or operator of an unauthorized vehicle, cause the vehicle and
9 any property on or in the vehicle to be towed [~~removed~~] and stored
10 at a vehicle storage facility at the vehicle owner's or operator's
11 expense if:

12 (1) signs that comply with Subchapter G prohibiting
13 unauthorized vehicles are located on the parking facility at the
14 time of towing and for the preceding 24 hours and remain installed
15 at the time of towing;

16 (2) the owner or operator of the vehicle has received
17 actual notice from the parking facility owner that the vehicle will
18 be towed at the vehicle owner's or operator's expense if it is in or
19 not removed from an unauthorized space;

20 (3) the parking facility owner gives notice to the
21 owner or operator of the vehicle under Subsection (b); or

22 (4) on request the parking facility owner provides to
23 the owner or operator of the vehicle information on the name of the
24 towing company and vehicle storage facility that will be used to tow
25 [~~remove~~] and store the vehicle and the vehicle is:

26 (A) left in violation of Section 2308.251 or
27 2308.253; or

1 (B) in or obstructing a portion of a paved
2 driveway or abutting public roadway used for entering or exiting
3 the facility.

4 SECTION 21. Section 2308.254, Occupations Code, is amended
5 to read as follows:

6 Sec. 2308.254. LIMITATION ON PARKING FACILITY OWNER'S
7 AUTHORITY TO TOW ~~[REMOVE]~~ UNAUTHORIZED VEHICLE. A parking facility
8 owner may not have an unauthorized vehicle towed ~~[removed]~~ from the
9 facility except:

10 (1) as provided by this chapter or a municipal
11 ordinance that complies with Section 2308.208; or

12 (2) under the direction of a peace officer or the owner
13 or operator of the vehicle.

14 SECTION 22. Section 2308.302, Occupations Code, is amended
15 by adding Subsection (b-1) and amending Subsections (c), (d), and
16 (e) to read as follows:

17 (b-1) Any portion of the sign that is not described by
18 Subsection (b) must be red or white with any lettering contrasting
19 with the background.

20 (c) The portion of the sign immediately below the
21 international towing symbol must, ~~[+]~~

22 ~~[(1)]~~ in lettering at least two inches in height,
23 contain the words, as applicable:

24 (1) ~~[(A)]~~ "Towing and Booting Enforced";

25 (2) ~~[(B)]~~ "Towing Enforced"; or

26 (3) ~~[(C)]~~ "Booting Enforced" ~~[, and~~

27 ~~[(2) consist of white letters on a bright red~~

1 ~~background~~].

2 (d) Except as provided by Subsection (e), the next lower
3 portion of the sign must contain the remaining information required
4 by Section 2308.301(b) displayed in ~~[bright red]~~ letters at least
5 one inch in height ~~[on a white background]~~.

6 (e) The bottommost portion of the sign must contain the
7 telephone numbers required by Section 2308.301(b), in lettering at
8 least one inch in height and may, if the facility owner chooses or
9 if an applicable municipal ordinance requires, include the name and
10 address of the storage facility to which an unauthorized vehicle
11 will be towed ~~[removed. The lettering on this portion of the sign
12 must consist of white letters on a bright red background]~~.

13 SECTION 23. Section 2308.304, Occupations Code, is amended
14 to read as follows:

15 Sec. 2308.304. DESIGNATION OF RESTRICTED PARKING SPACES ON
16 OTHERWISE UNRESTRICTED PARKING FACILITY. A parking facility owner
17 may designate one or more spaces as restricted parking spaces on a
18 portion of an otherwise unrestricted parking facility. Instead of
19 installing a sign at each entrance to the parking facility as
20 provided by Section 2308.301(a)(2), an owner may place a sign that
21 prohibits unauthorized vehicles from parking in designated spaces
22 and that otherwise complies with Sections 2308.301 and 2308.302:

23 (1) at the right or left side of each entrance to a
24 designated area or group of parking spaces located on the
25 restricted portion of the parking facility; or

26 (2) at the end of a restricted parking space so that
27 the sign, the top of which must not be higher than seven feet above

1 the ground, is directly facing and in front of [~~a vehicle that is~~
2 ~~parked in the space and the rear of which is at the entrance of~~] the
3 restricted space.

4 SECTION 24. The heading to Section 2308.353, Occupations
5 Code, is amended to read as follows:

6 Sec. 2308.353. TOWING [~~REMOVAL~~] UNDER GOVERNMENTAL
7 ENTITY'S AUTHORITY OF UNAUTHORIZED VEHICLE PARKED IN RIGHT-OF-WAY.

8 SECTION 25. Section 2308.403, Occupations Code, is amended
9 to read as follows:

10 Sec. 2308.403. LIMITATION ON LIABILITY OF PARKING FACILITY
11 OWNER FOR TOWING [~~REMOVAL~~] OR STORAGE OF UNAUTHORIZED VEHICLE. A
12 parking facility owner who causes the tow [~~removal~~] of an
13 unauthorized vehicle is not liable for damages arising from the
14 towing [~~removal~~] or storage of the vehicle if the vehicle:

15 (1) was towed [~~removed~~] in compliance with this
16 chapter; and

17 (2) is:

18 (A) towed [~~removed~~] by a towing company insured
19 against liability for property damage incurred in towing a vehicle;
20 and

21 (B) stored by a vehicle storage facility insured
22 against liability for property damage incurred in storing a
23 vehicle.

24 SECTION 26. The heading to Section 2308.404, Occupations
25 Code, is amended to read as follows:

26 Sec. 2308.404. CIVIL LIABILITY OF TOWING COMPANY, BOOTING
27 COMPANY, OR PARKING FACILITY OWNER FOR VIOLATION OF SUBCHAPTER

1 [CHAPTER].

2 SECTION 27. Sections 2308.404(a) and (c), Occupations Code,
3 are amended to read as follows:

4 (a) A towing company, booting company, or parking facility
5 owner who violates this subchapter [~~chapter~~] is liable to the owner
6 or operator of the vehicle that is the subject of the violation for:

7 (1) damages arising from the towing [~~removal~~],
8 storage, or booting of the vehicle; and

9 (2) towing, storage, or booting fees paid by the owner
10 or operator [~~assessed~~] in connection with the vehicle's towing
11 [~~removal~~], storage, or booting.

12 (c) A towing company, booting company, or parking facility
13 owner who intentionally, knowingly, or recklessly violates this
14 subchapter [~~chapter~~] is liable to the owner or operator of the
15 vehicle that is the subject of the violation for \$1,000 plus three
16 times the amount of fees paid by the owner or operator [~~assessed~~] in
17 the vehicle's [~~removal~~] towing, storage, or booting.

18 SECTION 28. Section 2308.451, Occupations Code, is amended
19 to read as follows:

20 Sec. 2308.451. PAYMENT OF COST OF TOWING [~~REMOVAL~~],
21 STORAGE, AND BOOTING OF VEHICLE. (a) If in a hearing held under
22 this subchapter [~~chapter~~] the court finds that a person or law
23 enforcement agency authorized, with probable cause, the towing
24 [~~removal~~] and storage in a vehicle storage facility of a vehicle,
25 the person who requested the hearing shall pay the costs of the
26 towing [~~removal~~] and storage if the person has not already paid the
27 costs.

1 (b) If in a hearing held under this subchapter [~~chapter~~] the
2 court does not find that a person or law enforcement agency
3 authorized, with probable cause, the towing [~~removal~~] and storage
4 in a vehicle storage facility of a vehicle, the towing company,
5 [~~vehicle storage facility, or~~] parking facility owner, or law
6 enforcement agency that authorized the tow [~~removal~~] shall:

7 (1) pay the costs of the towing [~~removal~~] and storage;
8 or

9 (2) reimburse the vehicle owner or operator for the
10 cost of the towing [~~removal~~] and storage paid by the vehicle owner
11 or operator.

12 (c) If in a hearing held under this subchapter [~~chapter~~] the
13 court finds that a person authorized, with probable cause, the
14 booting of a vehicle in a parking facility, the person who requested
15 the hearing shall pay the costs of the booting.

16 (c-1) If, in a hearing held under this subchapter [~~chapter~~],
17 regardless of whether the court finds that there was probable cause
18 for the towing [~~removal~~] and storage of a vehicle, the court finds
19 that the towing charge was made in violation of Section 2308.2065 or
20 that a storage charge exceeded an amount authorized by Section
21 2303.155 [~~collected exceeded fees regulated by a political~~
22 ~~subdivision or authorized by this chapter or Chapter 2303~~], the
23 towing company or vehicle storage facility operator, as applicable,
24 shall reimburse the owner or operator of the vehicle an amount equal
25 to the overcharge paid by the vehicle owner or operator.

26 (d) If in a hearing held under this subchapter [~~chapter~~] the
27 court does not find that a person authorized, with probable cause,

1 the booting of a vehicle, the person that authorized the booting
2 shall:

3 (1) pay the costs of the booting and any related
4 parking fees; or

5 (2) reimburse the vehicle owner or operator for the
6 cost of the booting and any related parking fees paid by the vehicle
7 owner or operator.

8 SECTION 29. Section 2308.452, Occupations Code, is amended
9 to read as follows:

10 Sec. 2308.452. RIGHT OF VEHICLE OWNER OR OPERATOR [~~OF~~
11 ~~VEHICLE~~] TO HEARING. The owner or operator of a vehicle that has
12 been towed to [~~removed~~] and stored [~~placed~~] in a vehicle storage
13 facility or booted without the consent of the vehicle owner or
14 operator [~~of the vehicle~~] is entitled to a hearing on whether
15 probable cause existed for the tow [~~removal and placement~~] or
16 booting.

17 SECTION 30. Section 2308.453, Occupations Code, is amended
18 to read as follows:

19 Sec. 2308.453. JURISDICTION. A hearing under this
20 subchapter [~~chapter~~] shall be in any justice court in:

21 (1) the county from which the motor vehicle was towed;
22 or

23 (2) for booted vehicles, the county in which the
24 parking facility is located.

25 SECTION 31. Section 2308.454, Occupations Code, is amended
26 to read as follows:

27 Sec. 2308.454. NOTICE TO VEHICLE OWNER OR OPERATOR. (a) If

1 before a hearing held under this subchapter [~~chapter~~] the vehicle
2 owner or operator [~~of a vehicle~~] pays the costs of the vehicle's
3 towing [~~removal~~] or storage, the towing company or vehicle storage
4 facility that received the payment shall at the time of payment give
5 the vehicle owner or operator written notice of the person's rights
6 under this subchapter [~~chapter~~].

7 (b) The operator of a vehicle storage facility that sends a
8 notice under Subchapter D, Chapter 2303, shall include with that
9 notice a notice of the person's rights under this subchapter
10 [~~chapter~~].

11 (c) If before a hearing held under this subchapter [~~chapter~~]
12 the vehicle owner or operator [~~of a vehicle~~] pays the costs for
13 removal of a boot, the booting company shall at the time of payment
14 give the vehicle owner or operator written notice of the person's
15 rights under this subchapter [~~chapter~~].

16 (d) The booting operator that places a notice on a booted
17 vehicle under Section 2308.257 shall include with that notice a
18 notice of the person's rights under this subchapter [~~chapter~~].

19 (e) If the towing company or vehicle storage facility that
20 received the payment fails to furnish to the vehicle owner or
21 operator [~~of the vehicle~~] the name, address, and telephone number
22 of the parking facility owner or law enforcement agency that
23 authorized the towing [~~removal~~] of the vehicle, the towing company
24 or vehicle storage facility that received the payment is liable if
25 the court, after a hearing, does not find probable cause for the
26 towing [~~removal~~] and storage of the vehicle.

27 SECTION 32. Section 2308.455, Occupations Code, is amended

1 to read as follows:

2 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
3 Section ~~2308.454~~ must include:

4 (1) a statement of:

5 (A) the person's right to submit a request within
6 14 days for a court hearing to determine whether probable cause
7 existed to tow ~~[remove]~~, or install a boot on, the vehicle;

8 (B) the information that a request for a hearing
9 must contain;

10 (C) any filing fee for the hearing; and

11 (D) the person's right to request a hearing in
12 any justice court in:

13 (i) the county from which the vehicle was
14 towed; or

15 (ii) for booted vehicles, the county in
16 which the parking facility is located;

17 (2) the name, address, and telephone number of the
18 towing company that towed ~~[removed]~~ the vehicle or the booting
19 company that booted the vehicle;

20 (3) the name, address, and telephone number~~[, and~~
21 ~~county]~~ of the vehicle storage facility in which the vehicle was
22 stored ~~[placed]~~;

23 (4) the name, street address including city, state,
24 and zip code, and telephone number of the person, parking facility
25 owner, or law enforcement agency that authorized the towing
26 ~~[removal]~~ of the vehicle; and

27 (5) the name, address, and telephone number of each

1 justice court in the county from which the vehicle was towed or, for
2 booted vehicles, the county in which the parking facility is
3 located, or the Internet website address of an Internet website
4 maintained by the Office of Court Administration of the Texas
5 Judicial System that contains the name, address, and telephone
6 number of each justice court in that county.

7 SECTION 33. Sections 2308.456(a), (b), (c), and (d),
8 Occupations Code, are amended to read as follows:

9 (a) Except as provided by Subsections (c) and (c-1), a
10 person entitled to a hearing under this subchapter [~~chapter~~] must
11 deliver a written request for the hearing to the court before the
12 14th day after the date the vehicle was towed [~~removed~~] and stored
13 [~~placed~~] in the vehicle storage facility or booted, excluding
14 Saturdays, Sundays, and legal holidays.

15 (b) A request for a hearing must contain:

16 (1) the name, address, and telephone number of the
17 owner or operator of the vehicle;

18 (2) the location of the parking facility from which
19 the vehicle was towed [~~removed~~] or in which the vehicle was booted;

20 (3) the date when the vehicle was towed [~~removed~~] or
21 booted;

22 (4) the name, address, and telephone number of the
23 person or law enforcement agency that authorized the tow [~~removal~~]
24 or booting;

25 (5) the name, address, and telephone number of the
26 vehicle storage facility in which the vehicle was stored [~~placed~~];

27 (6) the name, address, and telephone number of the

1 towing company that towed [~~removed~~] the vehicle or of the booting
2 company that installed a boot on the vehicle;

3 (7) a copy of any receipt or notification that the
4 vehicle owner or operator received from the towing company, the
5 booting company, or the vehicle storage facility; and

6 (8) if the vehicle was towed [~~removed~~] from or booted
7 in a parking facility:

8 (A) one or more photographs that show the
9 location and text of any sign posted at the parking facility
10 restricting parking of vehicles; or

11 (B) a statement that no sign restricting parking
12 was posted at the parking facility.

13 (c) If notice was not given under Subchapter D, Chapter 2303
14 [~~Section 2308.454~~], the 14-day deadline for requesting a hearing
15 under Subsection (a) does not apply, and the owner or operator of
16 the vehicle may deliver a written request for a hearing at any time.

17 (d) A person who fails to deliver a request in accordance
18 with Subsections [~~Subsection~~] (a) and (b) waives the right to a
19 hearing and the court shall dismiss the request for a hearing under
20 this subchapter with prejudice.

21 SECTION 34. Section 2308.457, Occupations Code, is amended
22 to read as follows:

23 Sec. 2308.457. FILING FEE AUTHORIZED. The court may charge
24 a filing fee of \$20 for a hearing under this subchapter [~~chapter~~].

25 SECTION 35. Section 2308.458, Occupations Code, is amended
26 by amending Subsections (a), (b), (b-2), (c), and (d) and adding
27 Subsections (c-2) and (c-3) to read as follows:

1 (a) A hearing under this subchapter [~~chapter~~] shall be held
2 before the 21st calendar day after the date the court receives the
3 request for the hearing.

4 (b) The court shall notify the person who requested the
5 hearing [~~for a towed vehicle~~], the parking facility owner or law
6 enforcement agency that authorized the towing [~~removal~~] of the
7 vehicle, the towing company, and the vehicle storage facility in
8 which the vehicle was stored [~~placed~~] of the date, time, and place
9 of the hearing in a manner provided by Rule 21a, Texas Rules of
10 Civil Procedure. The notice of the hearing to the towing company
11 and the parking facility owner or law enforcement agency that
12 authorized the towing [~~removal~~] of the vehicle must include a copy
13 of the request for hearing, including any photographs, exhibits,
14 schedules, or other evidence, attached to or included or filed with
15 the request for hearing. Notice to the law enforcement agency that
16 authorized the towing [~~removal~~] of the vehicle is sufficient as
17 notice to the political subdivision in which the law enforcement
18 agency is located.

19 (b-2) The court shall notify the person who requested the
20 hearing for a booted vehicle, the parking facility in which the
21 vehicle was booted, and the booting company of the date, time, and
22 place of the hearing in a manner provided by Rule 21a, Texas Rules
23 of Civil Procedure. The notice of hearing to the person that
24 authorized the booting of the vehicle must include a copy of the
25 request for hearing, including any photographs, exhibits,
26 schedules, or other evidence, attached to or included or filed with
27 the request for hearing.

1 (c) In ~~[The issues in]~~ a hearing regarding a towed vehicle
2 under this subchapter, the only issues a court may determine
3 ~~[chapter]~~ are:

4 (1) whether probable cause existed for the towing
5 ~~[removal and placement]~~ of the vehicle;

6 (2) whether a ~~[towing]~~ charge imposed or collected in
7 connection with the storage ~~[removal or placement]~~ of the vehicle
8 was greater than the amount authorized ~~[by the political~~
9 ~~subdivision]~~ under Section 2303.155 ~~[2308.201 or 2308.202]~~; or

10 (3) whether a towing charge imposed or collected in
11 connection with the towing ~~[removal or placement]~~ of the vehicle
12 was prohibited by Section 2308.2065 ~~[greater than the amount~~
13 ~~authorized under Section 2308.203, or~~

14 ~~[(4) whether a towing charge imposed or collected in~~
15 ~~connection with the removal or placement of the vehicle was greater~~
16 ~~than the amount authorized under Section 2308.0575].~~

17 (c-2) In determining whether probable cause for the towing
18 of a vehicle existed under Subsection (c)(1), the court shall
19 consider the facts known to the tow operator at the time the vehicle
20 was towed and stored in a vehicle storage facility.

21 (c-3) The court shall find that probable cause for the
22 towing of a vehicle existed under Subsection (c)(1) if a vehicle was
23 towed from the parking facility of a multiunit complex, as defined
24 by Section 92.151, Property Code, where the vehicle was parked in
25 violation of the parking rules or policies of the multiunit
26 complex.

27 (d) The court shall make written findings of fact and a

1 conclusion of law as to the issues listed in Subsection (c) or
2 (c-1), as applicable.

3 SECTION 36. Section 2308.459, Occupations Code, is amended
4 to read as follows:

5 Sec. 2308.459. APPEAL. An appeal from a hearing under this
6 subchapter [~~chapter~~] is governed by the rules of procedure
7 applicable to civil cases in justice court, except that no appeal
8 bond may be required by the court.

9 SECTION 37. Section 2308.460(a), Occupations Code, is
10 amended to read as follows:

11 (a) An award under this subchapter [~~chapter~~] may be enforced
12 by any means available for the enforcement of a judgment for a debt.

13 SECTION 38. Section 2308.505(a), Occupations Code, is
14 amended to read as follows:

15 (a) A person commits an offense if the person:

16 (1) violates an ordinance, resolution, order, rule, or
17 regulation of a political subdivision adopted under Section
18 2308.201, 2308.202, or 2308.2085 for which the political
19 subdivision does not prescribe the penalty;

20 (2) charges or collects a fee in a political
21 subdivision that regulates the operation of tow trucks under
22 Section 2308.201 or 2308.202 or booting under Section 2308.2085
23 that is not authorized or is greater than the authorized amount of
24 the fee;

25 (3) [~~charges or collects a fee greater than the amount~~
26 ~~authorized under Section 2308.204,~~

27 [~~4~~] charges or collects a fee prohibited [~~in excess~~

1 ~~of the amount filed with the department]~~ under Section [2308.2065](#)
2 [~~2308.206~~];

3 (4) [~~(5)~~] violates Section [2308.205](#); or

4 (5) [~~(6)~~] violates a rule of the department applicable
5 to a tow truck, towing company, or booting company.

6 SECTION 39. The following provisions of the Occupations
7 Code are repealed:

8 (1) Section [2303.1016](#);

9 (2) Section [2303.161](#);

10 (3) Section [2308.002](#)(7-a);

11 (4) Section [2308.1521](#);

12 (5) Section [2308.1551](#);

13 (6) Section [2308.2565](#); and

14 (7) Section [2308.303](#).

15 SECTION 40. (a) The changes in law made by this Act do not
16 affect the validity of a proceeding pending before a court or other
17 governmental entity on the effective date of this Act.

18 (b) An offense or other violation of law committed before
19 the effective date of this Act is governed by the law in effect when
20 the offense or violation was committed, and the former law is
21 continued in effect for that purpose. For purposes of this
22 subsection, an offense or violation was committed before the
23 effective date of this Act if any element of the offense or
24 violation occurred before that date.

25 (c) Sections [2308.153](#)(c), [2308.154](#)(c), and [2308.155](#)(c),
26 Occupations Code, as added by this Act, apply to a license issued or
27 renewed before, on, or after the effective date of this Act.

1 (d) A license issued under Section 2303.1016, 2308.1521, or
2 2308.1551, Occupations Code, that is unexpired or eligible for
3 renewal by the license holder on the effective date of this Act
4 expires on the earlier of:

5 (1) the expiration date stated on the license; or

6 (2) the date of issuance of a license issued to the
7 license holder under Section 2308.153, 2308.154, or 2308.155,
8 Occupations Code.

9 (e) Except as otherwise provided by this section, the
10 changes in law made by this Act applicable to the storage of a
11 vehicle by a vehicle storage facility under Chapter 2303,
12 Occupations Code, as amended by this Act, apply only to a vehicle
13 accepted for storage by a vehicle storage facility on or after the
14 effective date of this Act. A vehicle accepted for storage by a
15 vehicle storage facility before the effective date of this Act is
16 governed by the law in effect at the time the vehicle was accepted,
17 and the former law is continued in effect for that purpose.

18 (f) Except as otherwise provided by this section, the
19 changes in law made by this Act applicable to the towing or booting
20 of a vehicle under Chapter 2308, Occupations Code, as amended by
21 this Act, apply only to the towing or booting of a vehicle initiated
22 on or after the effective date of this Act. The towing or booting of
23 a vehicle initiated before the effective date of this Act is
24 governed by the law in effect at the time the towing or booting was
25 initiated, and the former law is continued in effect for that
26 purpose.

27 (g) Section 2303.004, Occupations Code, as added by this

1 Act, applies only to a conflict between Chapter 2303, Occupations
2 Code, and a municipal ordinance or charter or a contract that arises
3 on or after the effective date of this Act. A conflict that arises
4 before the effective date of this Act is governed by the law in
5 effect immediately before the effective date of this Act, and the
6 former law is continued in effect for that purpose.

7 (h) Subchapter J, Chapter 2308, Occupations Code, as
8 amended by this Act, applies only to a hearing or a notice in
9 connection with a vehicle that is towed or booted on or after the
10 effective date of this Act. A hearing or a notice in connection
11 with a vehicle that is towed or booted before the effective date of
12 this Act is governed by the law in effect when the vehicle was towed
13 or booted, and the former law is continued in effect for that
14 purpose.

15 SECTION 41. This Act takes effect September 1, 2017.