

1-1 By: Hancock S.B. No. 2065
 1-2 (In the Senate - Filed March 10, 2017; March 28, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Creighton	X			
1-10 Campbell	X			
1-11 Estes	X			
1-12 Nichols	X			
1-13 Schwertner	X			
1-14 Taylor of Galveston	X			
1-15 Whitmire	X			
1-16 Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2065 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the licensing and regulation of certain occupations and
 1-22 activities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. VEHICLE PROTECTION PRODUCTS

1-25 SECTION 1.001. Section 17.45, Business & Commerce Code, is
 1-26 amended by adding Subdivisions (14), (15), and (16) to read as
 1-27 follows:

1-28 (14) "Vehicle protection product":

1-29 (A) means a product or system, including a
 1-30 written warranty:

1-31 (i) that is:

1-32 (a) installed on or applied to a
 1-33 vehicle; and

1-34 (b) designed to prevent loss of or
 1-35 damage to a vehicle from a specific cause; and

1-36 (ii) under which, after installation or
 1-37 application of the product or system described by Subparagraph (i),
 1-38 if loss or damage results from the failure of the product or system
 1-39 to perform as represented in the warranty, the warrantor, to the
 1-40 extent agreed on as part of the warranty, is required to pay
 1-41 expenses to the person in this state who purchases or otherwise
 1-42 possesses the product or system for the loss of or damage to the
 1-43 vehicle; and

1-44 (B) may also include identity recovery, as
 1-45 defined by Section 1304.003, Occupations Code, if the product or
 1-46 system described by Paragraph (A) is financed under Chapter 348 or
 1-47 353, Finance Code.

1-48 (15) "Warrantor" means a person named under the terms
 1-49 of a vehicle protection product warranty as the contractual obligor
 1-50 to a person in this state who purchases or otherwise possesses a
 1-51 vehicle protection product.

1-52 (16) "Loss of or damage to the vehicle," for purposes
 1-53 of Subdivision (14)(A)(ii), may also include unreimbursed
 1-54 incidental expenses that may be incurred by the warrantor,
 1-55 including expenses for a replacement vehicle, temporary vehicle
 1-56 rental expenses, and registration expenses for replacement
 1-57 vehicles.

1-58 SECTION 1.002. Section 17.46(b), Business & Commerce Code,
 1-59 as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts
 1-60 of the 84th Legislature, Regular Session, 2015, is reenacted and

2-1 amended to read as follows:

- 2-2 (b) Except as provided in Subsection (d) of this section,
2-3 the term "false, misleading, or deceptive acts or practices"
2-4 includes, but is not limited to, the following acts:
2-5 (1) passing off goods or services as those of another;
2-6 (2) causing confusion or misunderstanding as to the
2-7 source, sponsorship, approval, or certification of goods or
2-8 services;
2-9 (3) causing confusion or misunderstanding as to
2-10 affiliation, connection, or association with, or certification by,
2-11 another;
2-12 (4) using deceptive representations or designations
2-13 of geographic origin in connection with goods or services;
2-14 (5) representing that goods or services have
2-15 sponsorship, approval, characteristics, ingredients, uses,
2-16 benefits, or quantities which they do not have or that a person has
2-17 a sponsorship, approval, status, affiliation, or connection which
2-18 the person does not;
2-19 (6) representing that goods are original or new if
2-20 they are deteriorated, reconditioned, reclaimed, used, or
2-21 secondhand;
2-22 (7) representing that goods or services are of a
2-23 particular standard, quality, or grade, or that goods are of a
2-24 particular style or model, if they are of another;
2-25 (8) disparaging the goods, services, or business of
2-26 another by false or misleading representation of facts;
2-27 (9) advertising goods or services with intent not to
2-28 sell them as advertised;
2-29 (10) advertising goods or services with intent not to
2-30 supply a reasonable expectable public demand, unless the
2-31 advertisements disclosed a limitation of quantity;
2-32 (11) making false or misleading statements of fact
2-33 concerning the reasons for, existence of, or amount of price
2-34 reductions;
2-35 (12) representing that an agreement confers or
2-36 involves rights, remedies, or obligations which it does not have or
2-37 involve, or which are prohibited by law;
2-38 (13) knowingly making false or misleading statements
2-39 of fact concerning the need for parts, replacement, or repair
2-40 service;
2-41 (14) misrepresenting the authority of a salesman,
2-42 representative or agent to negotiate the final terms of a consumer
2-43 transaction;
2-44 (15) basing a charge for the repair of any item in
2-45 whole or in part on a guaranty or warranty instead of on the value of
2-46 the actual repairs made or work to be performed on the item without
2-47 stating separately the charges for the work and the charge for the
2-48 warranty or guaranty, if any;
2-49 (16) disconnecting, turning back, or resetting the
2-50 odometer of any motor vehicle so as to reduce the number of miles
2-51 indicated on the odometer gauge;
2-52 (17) advertising of any sale by fraudulently
2-53 representing that a person is going out of business;
2-54 (18) advertising, selling, or distributing a card
2-55 which purports to be a prescription drug identification card issued
2-56 under Section [4151.152](#), Insurance Code, in accordance with rules
2-57 adopted by the commissioner of insurance, which offers a discount
2-58 on the purchase of health care goods or services from a third party
2-59 provider, and which is not evidence of insurance coverage, unless:
2-60 (A) the discount is authorized under an agreement
2-61 between the seller of the card and the provider of those goods and
2-62 services or the discount or card is offered to members of the
2-63 seller;
2-64 (B) the seller does not represent that the card
2-65 provides insurance coverage of any kind; and
2-66 (C) the discount is not false, misleading, or
2-67 deceptive;
2-68 (19) using or employing a chain referral sales plan in
2-69 connection with the sale or offer to sell of goods, merchandise, or

3-1 anything of value, which uses the sales technique, plan,
 3-2 arrangement, or agreement in which the buyer or prospective buyer
 3-3 is offered the opportunity to purchase merchandise or goods and in
 3-4 connection with the purchase receives the seller's promise or
 3-5 representation that the buyer shall have the right to receive
 3-6 compensation or consideration in any form for furnishing to the
 3-7 seller the names of other prospective buyers if receipt of the
 3-8 compensation or consideration is contingent upon the occurrence of
 3-9 an event subsequent to the time the buyer purchases the merchandise
 3-10 or goods;

3-11 (20) representing that a guaranty or warranty confers
 3-12 or involves rights or remedies which it does not have or involve,
 3-13 provided, however, that nothing in this subchapter shall be
 3-14 construed to expand the implied warranty of merchantability as
 3-15 defined in Sections 2.314 through 2.318 and Sections 2A.212 through
 3-16 2A.216 to involve obligations in excess of those which are
 3-17 appropriate to the goods;

3-18 (21) promoting a pyramid promotional scheme, as
 3-19 defined by Section 17.461;

3-20 (22) representing that work or services have been
 3-21 performed on, or parts replaced in, goods when the work or services
 3-22 were not performed or the parts replaced;

3-23 (23) filing suit founded upon a written contractual
 3-24 obligation of and signed by the defendant to pay money arising out
 3-25 of or based on a consumer transaction for goods, services, loans, or
 3-26 extensions of credit intended primarily for personal, family,
 3-27 household, or agricultural use in any county other than in the
 3-28 county in which the defendant resides at the time of the
 3-29 commencement of the action or in the county in which the defendant
 3-30 in fact signed the contract; provided, however, that a violation of
 3-31 this subsection shall not occur where it is shown by the person
 3-32 filing such suit that the person neither knew or had reason to know
 3-33 that the county in which such suit was filed was neither the county
 3-34 in which the defendant resides at the commencement of the suit nor
 3-35 the county in which the defendant in fact signed the contract;

3-36 (24) failing to disclose information concerning goods
 3-37 or services which was known at the time of the transaction if such
 3-38 failure to disclose such information was intended to induce the
 3-39 consumer into a transaction into which the consumer would not have
 3-40 entered had the information been disclosed;

3-41 (25) using the term "corporation," "incorporated," or
 3-42 an abbreviation of either of those terms in the name of a business
 3-43 entity that is not incorporated under the laws of this state or
 3-44 another jurisdiction;

3-45 (26) selling, offering to sell, or illegally promoting
 3-46 an annuity contract under Chapter 22, Acts of the 57th Legislature,
 3-47 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil
 3-48 Statutes), with the intent that the annuity contract will be the
 3-49 subject of a salary reduction agreement, as defined by that Act, if
 3-50 the annuity contract is not an eligible qualified investment under
 3-51 that Act or is not registered with the Teacher Retirement System of
 3-52 Texas as required by Section 8A of that Act;

3-53 (27) taking advantage of a disaster declared by the
 3-54 governor under Chapter 418, Government Code, by:

3-55 (A) selling or leasing fuel, food, medicine, or
 3-56 another necessity at an exorbitant or excessive price; or

3-57 (B) demanding an exorbitant or excessive price in
 3-58 connection with the sale or lease of fuel, food, medicine, or
 3-59 another necessity;

3-60 (28) using the translation into a foreign language of
 3-61 a title or other word, including "attorney," "lawyer," "licensed,"
 3-62 "notary," and "notary public," in any written or electronic
 3-63 material, including an advertisement, a business card, a
 3-64 letterhead, stationery, a website, or an online video, in reference
 3-65 to a person who is not an attorney in order to imply that the person
 3-66 is authorized to practice law in the United States;

3-67 (29) [~~28~~] delivering or distributing a solicitation
 3-68 in connection with a good or service that:

3-69 (A) represents that the solicitation is sent on

4-1 behalf of a governmental entity when it is not; or
 4-2 (B) resembles a governmental notice or form that
 4-3 represents or implies that a criminal penalty may be imposed if the
 4-4 recipient does not remit payment for the good or service;
 4-5 (30) [~~29~~] delivering or distributing a solicitation
 4-6 in connection with a good or service that resembles a check or other
 4-7 negotiable instrument or invoice, unless the portion of the
 4-8 solicitation that resembles a check or other negotiable instrument
 4-9 or invoice includes the following notice, clearly and conspicuously
 4-10 printed in at least 18-point type:
 4-11 "SPECIMEN-NON-NEGOTIABLE";
 4-12 (31) [~~30~~] in the production, sale, distribution, or
 4-13 promotion of a synthetic substance that produces and is intended to
 4-14 produce an effect when consumed or ingested similar to, or in excess
 4-15 of, the effect of a controlled substance or controlled substance
 4-16 analogue, as those terms are defined by Section 481.002, Health and
 4-17 Safety Code:
 4-18 (A) making a deceptive representation or
 4-19 designation about the synthetic substance; or
 4-20 (B) causing confusion or misunderstanding as to
 4-21 the effects the synthetic substance causes when consumed or
 4-22 ingested; [~~or~~]
 4-23 (32) [~~31~~] a licensed public insurance adjuster
 4-24 directly or indirectly soliciting employment, as defined by Section
 4-25 38.01, Penal Code, for an attorney, or a licensed public insurance
 4-26 adjuster entering into a contract with an insured for the primary
 4-27 purpose of referring the insured to an attorney without the intent
 4-28 to actually perform the services customarily provided by a licensed
 4-29 public insurance adjuster, provided that this subdivision may not
 4-30 be construed to prohibit a licensed public insurance adjuster from
 4-31 recommending a particular attorney to an insured; or
 4-32 (33) a warrantor of a vehicle protection product
 4-33 warranty using, in connection with the product, a name that
 4-34 includes "casualty," "surety," "insurance," "mutual," or any other
 4-35 word descriptive of an insurance business, including property or
 4-36 casualty insurance, or a surety business.
 4-37 SECTION 1.003. Subchapter A, Chapter 348, Finance Code, is
 4-38 amended by adding Section 348.014 to read as follows:
 4-39 Sec. 348.014. TRANSACTION CONDITIONED ON PURCHASE OF
 4-40 VEHICLE PROTECTION PRODUCT PROHIBITED. (a) In this section,
 4-41 "vehicle protection product" has the meaning assigned by Section
 4-42 17.45, Business & Commerce Code.
 4-43 (b) A retail seller may not require as a condition of a
 4-44 retail installment transaction or the cash sale of a motor vehicle
 4-45 that the buyer purchase a vehicle protection product that is not
 4-46 installed on the vehicle at the time of the transaction.
 4-47 (c) A violation of this section is a false, misleading, or
 4-48 deceptive act or practice within the meaning of Section 17.46,
 4-49 Business & Commerce Code, and is actionable in a public or private
 4-50 suit brought under Subchapter E, Chapter 17, Business & Commerce
 4-51 Code.
 4-52 SECTION 1.004. Subchapter A, Chapter 353, Finance Code, is
 4-53 amended by adding Section 353.017 to read as follows:
 4-54 Sec. 353.017. TRANSACTION CONDITIONED ON PURCHASE OF
 4-55 VEHICLE PROTECTION PRODUCT PROHIBITED. (a) In this section,
 4-56 "vehicle protection product" has the meaning assigned by Section
 4-57 17.45, Business & Commerce Code.
 4-58 (b) A retail seller may not require as a condition of a
 4-59 retail installment transaction or the cash sale of a commercial
 4-60 vehicle that the buyer purchase a vehicle protection product that
 4-61 is not installed on the vehicle at the time of the transaction.
 4-62 (c) A violation of this section is a false, misleading, or
 4-63 deceptive act or practice within the meaning of Section 17.46,
 4-64 Business & Commerce Code, and is actionable in a public or private
 4-65 suit brought under Subchapter E, Chapter 17, Business & Commerce
 4-66 Code.
 4-67 SECTION 1.005. Chapter 2306, Occupations Code, is repealed.
 4-68 SECTION 1.006. (a) On the effective date of this Act:
 4-69 (1) an action, including a disciplinary or

5-1 administrative proceeding, pending under Chapter 51 or 2306,
 5-2 Occupations Code, on the effective date of this Act related to an
 5-3 alleged violation of Chapter 2306, Occupations Code, as that
 5-4 chapter existed immediately before the effective date of this Act,
 5-5 is dismissed;

5-6 (2) the Vehicle Protection Product Warrantor Advisory
 5-7 Board is abolished; and

5-8 (3) a registration issued under former Chapter 2306,
 5-9 Occupations Code, expires.

5-10 (b) As soon as practicable after the effective date of this
 5-11 Act, the Texas Commission of Licensing and Regulation shall repeal
 5-12 all rules regarding the regulation of vehicle protection product
 5-13 warrantors adopted under former Chapter 2306, Occupations Code.

5-14 (c) An administrative penalty assessed by the Texas
 5-15 Commission of Licensing and Regulation or the executive director of
 5-16 the Texas Department of Licensing and Regulation related to a
 5-17 violation of Chapter 2306, Occupations Code, as that chapter
 5-18 existed immediately before the effective date of this Act, may be
 5-19 collected as provided by Chapter 51, Occupations Code.

5-20 (d) The repeal by this Act of Chapter 2306, Occupations
 5-21 Code, does not affect the validity or terms of a vehicle protection
 5-22 product warranty that was issued or renewed before the effective
 5-23 date of this Act.

5-24 SECTION 1.007. Section 17.46(b), Business & Commerce Code,
 5-25 as amended by this Act, applies only to a cause of action that
 5-26 accrues on or after the effective date of this Act. A cause of
 5-27 action that accrued before the effective date of this Act is
 5-28 governed by the law in effect immediately before the effective date
 5-29 of this Act, and that law is continued in effect for that purpose.

5-30 SECTION 1.008. Sections 348.014 and 353.017, Finance Code,
 5-31 as added by this Act, apply only to a transaction for the purchase
 5-32 of a motor vehicle or commercial vehicle, as applicable, that
 5-33 occurs on or after the effective date of this Act. A transaction
 5-34 for the purchase of a motor vehicle or commercial vehicle that
 5-35 occurs before the effective date of this Act is governed by the law
 5-36 in effect on the date the transaction occurred, and the former law
 5-37 is continued in effect for that purpose.

5-38 ARTICLE 2. TEMPORARY COMMON WORKER EMPLOYERS

5-39 SECTION 2.001. Section 92.001(a), Labor Code, is amended to
 5-40 read as follows:

5-41 (a) The legislature finds that this chapter is necessary to:

5-42 (1) provide for the health, safety, and welfare of
 5-43 common workers throughout this state; and

5-44 (2) establish uniform standards of conduct and
 5-45 practice for temporary common worker [~~certain~~] employers in this
 5-46 state.

5-47 SECTION 2.002. Section 92.002, Labor Code, is amended by
 5-48 amending Subdivision (6) and adding Subdivision (6-a) to read as
 5-49 follows:

5-50 (6) "Labor hall" means a central location maintained
 5-51 by a temporary common worker employer [~~license holder~~] where common
 5-52 workers assemble and are dispatched to work for a user of common
 5-53 workers.

5-54 (6-a) "Municipality" has the meaning assigned by
 5-55 Section 1.005, Local Government Code.

5-56 SECTION 2.003. The heading to Subchapter B, Chapter 92,
 5-57 Labor Code, is amended to read as follows:

5-58 SUBCHAPTER B. AUTHORITY TO OPERATE [~~LICENSE REQUIREMENTS~~]

5-59 SECTION 2.004. Subchapter B, Chapter 92, Labor Code, is
 5-60 amended by adding Section 92.0115 to read as follows:

5-61 Sec. 92.0115. AUTHORITY TO OPERATE. Subject to Section
 5-62 92.013 and unless prohibited by a governmental subdivision, a
 5-63 person may operate as a temporary common worker employer in this
 5-64 state if the person meets the requirements of this chapter.

5-65 SECTION 2.005. The heading to Section 92.012, Labor Code,
 5-66 is amended to read as follows:

5-67 Sec. 92.012. EXEMPTIONS [~~FROM LICENSING REQUIREMENT~~].

5-68 SECTION 2.006. Section 92.013(b), Labor Code, is amended to
 5-69 read as follows:

6-1 (b) A municipality with a population greater than one
6-2 million may establish municipal [~~licensing~~] requirements that
6-3 impose stricter standards of conduct and practice than those
6-4 imposed under Subchapter C.

6-5 SECTION 2.007. The heading to Subchapter C, Chapter 92,
6-6 Labor Code, is amended to read as follows:

6-7 SUBCHAPTER C. STANDARDS OF CONDUCT AND PRACTICE [~~POWERS AND DUTIES~~
6-8 ~~OF LICENSE HOLDER~~]

6-9 SECTION 2.008. Section 92.021, Labor Code, is amended to
6-10 read as follows:

6-11 Sec. 92.021. POWERS AND DUTIES OF [~~LICENSE HOLDER AS~~
6-12 EMPLOYER. (a) Each temporary common worker employer [~~license~~
6-13 ~~holder~~] is the employer of the common workers provided by that
6-14 temporary common worker employer [~~license holder~~].

6-15 (b) A temporary common worker employer [~~license holder~~] may
6-16 hire, reassign, control, direct, and discharge the employees of the
6-17 temporary common worker employer [~~license holder~~].

6-18 SECTION 2.009. Section 92.022, Labor Code, is amended to
6-19 read as follows:

6-20 Sec. 92.022. REQUIRED RECORDS; CONFIDENTIALITY. (a) Each
6-21 temporary common worker employer [~~license holder~~] shall maintain
6-22 and make available to a governmental subdivision [~~representative of~~
6-23 ~~the department~~] records that show for each common worker provided
6-24 by the temporary common worker employer [~~license holder~~] to a user
6-25 of common workers:

- 6-26 (1) the name and address of the worker;
- 6-27 (2) the hours worked;
- 6-28 (3) the places at which the work was performed;
- 6-29 (4) the wages paid to the worker; and
- 6-30 (5) any deductions made from those wages.

6-31 (b) The temporary common worker employer [~~license holder~~]
6-32 shall maintain the records at least until the second anniversary of
6-33 the date on which the worker was last employed by the temporary
6-34 common worker employer [~~license holder~~].

6-35 (c) Information received by the governmental subdivision
6-36 [~~commission or department~~] under this section is privileged and
6-37 confidential and is for the exclusive use of the governmental
6-38 subdivision [~~commission or department~~]. The information may not be
6-39 disclosed to any other person except on the entry of a court order
6-40 requiring disclosure or on the written consent of a person under
6-41 investigation who is the subject of the records.

6-42 SECTION 2.010. Section 92.023(b), Labor Code, is amended to
6-43 read as follows:

6-44 (b) Each temporary common worker employer [~~license holder~~]
6-45 shall [~~also~~] post in a conspicuous place in the [~~licensed~~] premises
6-46 on which the temporary common worker employer operates a notice of
6-47 any charge permitted under this chapter that the temporary common
6-48 worker employer [~~license holder~~] may assess against a common worker
6-49 for equipment, tools, transportation, or other work-related
6-50 services.

6-51 SECTION 2.011. Section 92.024, Labor Code, is amended to
6-52 read as follows:

6-53 Sec. 92.024. LABOR HALL REQUIREMENTS. A temporary common
6-54 worker employer [~~license holder~~] that operates a labor hall as part
6-55 of a [~~licensed~~] premises on which the temporary common worker
6-56 employer operates shall provide adequate facilities for a worker
6-57 waiting for a job assignment. The facilities must include:

- 6-58 (1) restroom facilities for both men and women;
- 6-59 (2) drinking water;
- 6-60 (3) sufficient seating; and
- 6-61 (4) access to vending refreshments and food.

6-62 SECTION 2.012. Section 92.025, Labor Code, is amended to
6-63 read as follows:

6-64 Sec. 92.025. CERTAIN CHARGES AND DEDUCTIONS PROHIBITED.
6-65 (a) A temporary common worker employer [~~license holder~~] may not
6-66 charge a common worker for:

- 6-67 (1) safety equipment, clothing, or accessories
6-68 required by the nature of the work, either by law, custom, or the
6-69 requirements of the user of common workers;

- 7-1 (2) uniforms, special clothing, or other items
- 7-2 required as a condition of employment by the user of common workers;
- 7-3 (3) the cashing of a check or voucher; or
- 7-4 (4) the receipt by the worker of earned wages.

7-5 (b) A temporary common worker employer [~~license holder~~] may
 7-6 not deduct or withhold any amount from the earned wages of a common
 7-7 worker except:

- 7-8 (1) a deduction required by federal or state law; or
- 7-9 (2) a reimbursement for a cash advance made to the
 7-10 worker during the same pay period.

7-11 SECTION 2.013. Chapter 92, Labor Code, is amended by adding
 7-12 Subchapter D to read as follows:

7-13 SUBCHAPTER D. ENFORCEMENT

7-14 Sec. 92.031. ENFORCEMENT. A governmental subdivision may
 7-15 enforce this chapter within the boundaries of the governmental
 7-16 subdivision.

7-17 SECTION 2.014. The following provisions of the Labor Code
 7-18 are repealed:

- 7-19 (1) Sections 92.002(1), (4), and (4-a);
- 7-20 (2) Section 92.003;
- 7-21 (3) Section 92.004;
- 7-22 (4) Section 92.011;
- 7-23 (5) Section 92.013(a);
- 7-24 (6) Section 92.014;
- 7-25 (7) Section 92.015; and
- 7-26 (8) Section 92.023(a).

7-27 SECTION 2.015. (a) An administrative proceeding pending
 7-28 under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on
 7-29 the effective date of this Act related to a violation of Chapter 92,
 7-30 Labor Code, as that chapter existed immediately before the
 7-31 effective date of this Act, is dismissed.

7-32 (b) An administrative penalty assessed by the Texas
 7-33 Commission of Licensing and Regulation or the executive director of
 7-34 the Texas Department of Licensing and Regulation related to a
 7-35 violation of Chapter 92, Labor Code, as that chapter existed
 7-36 immediately before the effective date of this Act, may be collected
 7-37 as provided by Chapter 51, Occupations Code.

7-38 (c) The changes in law made by this Act do not affect the
 7-39 pending prosecution of an offense under Chapter 92, Labor Code, as
 7-40 that chapter existed immediately before the effective date of this
 7-41 Act. An offense committed before the effective date of this Act is
 7-42 governed by the law in effect on the date the offense was committed,
 7-43 and the former law is continued in effect for that purpose. For
 7-44 purposes of this subsection, an offense was committed before the
 7-45 effective date of this Act if any element of the offense was
 7-46 committed before that date.

7-47 ARTICLE 3. FOR-PROFIT LEGAL SERVICE CONTRACT COMPANIES

7-48 SECTION 3.001. Section 953.001(1), Occupations Code, is
 7-49 amended to read as follows:

7-50 (1) "Administrator" means the person responsible for
 7-51 the administration of a legal service contract. [~~The term includes~~
 7-52 ~~a person responsible for any filing required by this chapter.~~]

7-53 SECTION 3.002. Section 953.156, Occupations Code, is
 7-54 amended to read as follows:

7-55 Sec. 953.156. FORM OF LEGAL SERVICE CONTRACT AND REQUIRED
 7-56 DISCLOSURES. [~~(a) A legal service contract must be filed with the~~
 7-57 ~~executive director before it is marketed, sold, offered for sale,~~
 7-58 ~~administered, or issued in this state. Any subsequent endorsement~~
 7-59 ~~or attachment to the contract must also be filed with the executive~~
 7-60 ~~director before the endorsement or attachment is delivered to legal~~
 7-61 ~~service contract holders.~~

7-62 [~~(b)~~] A legal service contract marketed, sold, offered for
 7-63 sale, administered, or issued in this state must:

- 7-64 (1) be written, printed, or typed in clear,
 7-65 understandable language that is easy to read;
- 7-66 (2) include the name and full address of the company;
- 7-67 (3) include the purchase price of the contract and the
 7-68 terms under which the contract is sold;
- 7-69 (4) include the terms and restrictions governing

8-1 cancellation of the contract by the company or the legal service
8-2 contract holder;
8-3 (5) identify:
8-4 (A) any administrator, if the administrator is
8-5 not the company;
8-6 (B) the sales representative; and
8-7 (C) the name of the legal service contract
8-8 holder;
8-9 (6) include the amount of any deductible or copayment;
8-10 (7) specify the legal services and other benefits to
8-11 be provided under the contract, and any limitation, exception, or
8-12 exclusion;
8-13 (8) specify the legal services, if any, for which the
8-14 company will provide reimbursement and the amount of that
8-15 reimbursement;
8-16 (9) specify any restriction governing the
8-17 transferability of the contract or the assignment of benefits;
8-18 (10) include the duties of the legal service contract
8-19 holder;
8-20 (11) ~~[include the contact information for the~~
8-21 ~~department, including the department's toll-free number and~~
8-22 ~~electronic mail address, as well as a statement that the department~~
8-23 ~~regulates the company and the company's sales representatives;~~
8-24 ~~[(12)]~~ explain the method to be used in resolving the
8-25 legal service contract holder's complaints and grievances;
8-26 (12) ~~[(13)]~~ explain how legal services may be obtained
8-27 under the legal service contract;
8-28 (13) ~~[(14)]~~ include a provision stating that no change
8-29 in the contract is valid until the change has been approved by an
8-30 executive officer of the company and unless the approval is
8-31 endorsed or attached to the contract;
8-32 (14) ~~[(15)]~~ include any eligibility and effective
8-33 date requirements, including a definition of eligible dependents
8-34 and the effective date of their coverage;
8-35 (15) ~~[(16)]~~ include the conditions under which
8-36 coverage will terminate;
8-37 (16) ~~[(17)]~~ explain any subrogation arrangements;
8-38 (17) ~~[(18)]~~ contain a payment provision that provides
8-39 for a grace period of at least 31 days; and
8-40 (18) ~~[(19)]~~ include conditions under which contract
8-41 rates may be modified ~~[, and~~
8-42 ~~[(20) include any other items required by the~~
8-43 ~~executive director as determined by rule].~~
8-44 SECTION 3.003. Section 953.162, Occupations Code, is
8-45 amended to read as follows:
8-46 Sec. 953.162. APPOINTMENT AND RESPONSIBILITIES OF
8-47 ADMINISTRATOR. ~~[(a)]~~ A company may appoint an administrator or
8-48 designate a person to be responsible for:
8-49 (1) all or any part of the administration or sale of
8-50 legal service contracts; and
8-51 (2) compliance with this chapter.
8-52 ~~[(b) The executive director may adopt rules regarding the~~
8-53 ~~registration of an administrator with the department.]~~
8-54 SECTION 3.004. Chapter 953, Occupations Code, is amended by
8-55 adding Subchapter F to read as follows:
8-56 SUBCHAPTER F. ENFORCEMENT
8-57 Sec. 953.251. DECEPTIVE TRADE PRACTICE. A violation of
8-58 this chapter is a deceptive trade practice actionable under
8-59 Subchapter E, Chapter 17, Business & Commerce Code.
8-60 SECTION 3.005. The following provisions of the Occupations
8-61 Code are repealed:
8-62 (1) Sections 953.001(4), (5), and (6);
8-63 (2) Sections 953.004, 953.005, and 953.155; and
8-64 (3) Subchapters B, C, and E, Chapter 953.
8-65 SECTION 3.006. (a) On the effective date of this article,
8-66 a registration issued under former Subchapter B, Chapter 953,
8-67 Occupations Code, expires.
8-68 (b) On the effective date of this article, a pending
8-69 proceeding under Chapter 953, Occupations Code, including a

9-1 complaint investigation, disciplinary action, or administrative
9-2 penalty proceeding, relating to a registration issued under former
9-3 Subchapter B, Chapter 953, Occupations Code, or relating to another
9-4 former provision of Chapter 953, Occupations Code, that is repealed
9-5 by this article, is dismissed.

9-6 SECTION 3.007. This article takes effect September 1, 2019.

9-7 ARTICLE 4. BARBERING AND COSMETOLOGY

9-8 SECTION 4.001. Section 1601.002, Occupations Code, is
9-9 amended to read as follows:

9-10 Sec. 1601.002. DEFINITION OF BARBERING. In this chapter,
9-11 "barbering," "practicing barbering," or the "practice of
9-12 barbering" means:

9-13 (1) performing or offering or attempting to perform
9-14 for compensation or the promise of compensation any of the
9-15 following services:

9-16 (A) treating a person's mustache or beard by
9-17 arranging, beautifying, coloring, processing, shaving, styling, or
9-18 trimming;

9-19 (B) treating a person's hair by:

9-20 (i) arranging, beautifying, bleaching,
9-21 cleansing, coloring, curling, dressing, dyeing, processing,
9-22 [~~shampooing,~~] shaping, singeing, straightening, styling, tinting,
9-23 or waving;

9-24 (ii) providing a necessary service that is
9-25 preparatory or ancillary to a service under Subparagraph (i),
9-26 including bobbing, clipping, cutting, or trimming; or

9-27 (iii) cutting the person's hair as a
9-28 separate and independent service for which a charge is directly or
9-29 indirectly made separately from a charge for any other service;

9-30 (C) cleansing, stimulating, or massaging a
9-31 person's scalp, face, neck, arms, or shoulders:

9-32 (i) by hand or by using a device, apparatus,
9-33 or appliance; and

9-34 (ii) with or without the use of any cosmetic
9-35 preparation, antiseptic, tonic, lotion, or cream;

9-36 (D) beautifying a person's face, neck, arms, or
9-37 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,
9-38 powder, oil, clay, cream, or appliance;

9-39 (E) treating a person's nails by:

9-40 (i) cutting, trimming, polishing, tinting,
9-41 coloring, cleansing, manicuring, or pedicuring; or

9-42 (ii) attaching false nails;

9-43 (F) massaging, cleansing, treating, or
9-44 beautifying a person's hands;

9-45 (G) administering facial treatments;

9-46 (H) weaving a person's hair by using any method
9-47 to attach commercial hair to a person's hair or scalp; or

9-48 (I) [~~shampooing or conditioning a person's hair,~~
9-49 ~~or~~

9-50 [~~(J)~~] servicing in any manner listed in Paragraph

9-51 (B) a person's wig, toupee, or artificial hairpiece on a person's
9-52 head or on a block after the initial retail sale;

9-53 (2) advertising or representing to the public in any
9-54 manner that a person is a barber or is authorized to practice
9-55 barbering; or

9-56 (3) advertising or representing to the public in any
9-57 manner that a location or place of business is a barbershop,
9-58 specialty shop, or barber school.

9-59 SECTION 4.002. Subchapter A, Chapter 1601, Occupations
9-60 Code, is amended by adding Section 1601.0025 to read as follows:

9-61 Sec. 1601.0025. SERVICES NOT CONSTITUTING BARBERING.
9-62 Notwithstanding Section 1601.002, "barbering," "practicing
9-63 barbering," and "practice of barbering" do not include threading,
9-64 which involves removing unwanted hair from a person by using a piece
9-65 of thread that is looped around the hair and pulled to remove the
9-66 hair and includes the incidental trimming of eyebrow hair.

9-67 SECTION 4.003. Section 1601.256(a), Occupations Code, is
9-68 amended to read as follows:

9-69 (a) A person holding a barber technician license may:

10-1 (1) perform only barbering as defined by Sections
 10-2 1601.002(1)(C), (D), (F), and (G) [~~and (I)~~]; and
 10-3 (2) practice only at a location that has been issued a
 10-4 barbershop permit.

10-5 SECTION 4.004. Section 1602.002(a), Occupations Code, is
 10-6 amended to read as follows:

10-7 (a) In this chapter, "cosmetology" means the practice of
 10-8 performing or offering to perform for compensation any of the
 10-9 following services:

10-10 (1) treating a person's hair by:
 10-11 (A) providing any method of treatment as a
 10-12 primary service, including arranging, beautifying, bleaching,
 10-13 cleansing, coloring, cutting, dressing, dyeing, processing,
 10-14 [~~shampooing,~~] shaping, singeing, straightening, styling, tinting,
 10-15 or waving;

10-16 (B) providing a necessary service that is
 10-17 preparatory or ancillary to a service under Paragraph (A),
 10-18 including bobbing, clipping, cutting, or trimming a person's hair
 10-19 or shaving a person's neck with a safety razor; or

10-20 (C) cutting the person's hair as a separate and
 10-21 independent service for which a charge is directly or indirectly
 10-22 made separately from charges for any other service;

10-23 (2) [~~shampooing and conditioning a person's hair,~~
 10-24 [~~(3)~~] servicing a person's wig or artificial hairpiece
 10-25 on a person's head or on a block after the initial retail sale and
 10-26 servicing in any manner listed in Subdivision (1);

10-27 (3) [~~(4)~~] treating a person's mustache or beard by
 10-28 arranging, beautifying, coloring, processing, styling, trimming,
 10-29 or shaving with a safety razor;

10-30 (4) [~~(5)~~] cleansing, stimulating, or massaging a
 10-31 person's scalp, face, neck, or arms:

10-32 (A) by hand or by using a device, apparatus, or
 10-33 appliance; and

10-34 (B) with or without the use of any cosmetic
 10-35 preparation, antiseptic, tonic, lotion, or cream;

10-36 (5) [~~(6)~~] beautifying a person's face, neck, or arms
 10-37 using a cosmetic preparation, antiseptic, tonic, lotion, powder,
 10-38 oil, clay, cream, or appliance;

10-39 (6) [~~(7)~~] administering facial treatments;

10-40 (7) [~~(8)~~] removing superfluous hair from a person's
 10-41 body using depilatories, preparations or chemicals, tweezers, or
 10-42 other devices or appliances of any kind or description [~~tweezing~~
 10-43 ~~techniques~~];

10-44 (8) [~~(9)~~] treating a person's nails by:

10-45 (A) cutting, trimming, polishing, tinting,
 10-46 coloring, cleansing, or manicuring; or

10-47 (B) attaching false nails;

10-48 (9) [~~(10)~~] massaging, cleansing, treating, or
 10-49 beautifying a person's hands or feet;

10-50 (10) [~~(11)~~] applying semipermanent, thread-like
 10-51 extensions composed of single fibers to a person's eyelashes; or

10-52 (11) [~~(12)~~] weaving a person's hair.

10-53 SECTION 4.005. Subchapter A, Chapter 1602, Occupations
 10-54 Code, is amended by adding Section 1602.0025 to read as follows:

10-55 Sec. 1602.0025. SERVICES NOT CONSTITUTING COSMETOLOGY.
 10-56 Notwithstanding Section 1602.002(a), "cosmetology" does not
 10-57 include threading, which involves removing unwanted hair from a
 10-58 person by using a piece of thread that is looped around the hair and
 10-59 pulled to remove the hair and includes the incidental trimming of
 10-60 eyebrow hair.

10-61 SECTION 4.006. Section 1602.255(c), Occupations Code, is
 10-62 amended to read as follows:

10-63 (c) The commission shall adopt rules for the licensing of
 10-64 specialty instructors to teach specialty courses in the practice of
 10-65 cosmetology defined in Sections 1602.002(a)(5), (7), (8), and (10)
 10-66 [~~1602.002(a)(6), (8), (9), and (11)]~~.

10-67 SECTION 4.007. Section 1602.256(a), Occupations Code, is
 10-68 amended to read as follows:

10-69 (a) A person holding a manicurist specialty license may

11-1 perform only the practice of cosmetology defined in Section
 11-2 1602.002(a)(8) or (9) [~~1602.002(a)(9) or (10)~~].

11-3 SECTION 4.008. Section 1602.257(a), Occupations Code, is
 11-4 amended to read as follows:

11-5 (a) A person holding an esthetician specialty license may
 11-6 perform only the practice of cosmetology defined in Sections
 11-7 1602.002(a)(4), (5), (6), (7), and (10) [~~1602.002(a)(5), (6), (7),~~
 11-8 ~~(8), and (11)~~].

11-9 SECTION 4.009. Section 1602.2571(a), Occupations Code, is
 11-10 amended to read as follows:

11-11 (a) A person holding a specialty license in eyelash
 11-12 extension application may perform only the practice of cosmetology
 11-13 defined in Section 1602.002(a)(10) [~~1602.002(a)(11)~~].

11-14 SECTION 4.010. Section 1602.259(a), Occupations Code, is
 11-15 amended to read as follows:

11-16 (a) A person holding a hair weaving specialty certificate
 11-17 may perform only the practice of cosmetology defined in Section
 11-18 1602.002(a)(11) [~~Sections 1602.002(a)(2) and (12)~~].

11-19 SECTION 4.011. Section 1602.260(a), Occupations Code, is
 11-20 amended to read as follows:

11-21 (a) A person holding a wig specialty certificate may perform
 11-22 only the practice of cosmetology defined in Section 1602.002(a)(2)
 11-23 [~~1602.002(a)(3)~~].

11-24 SECTION 4.012. Section 1602.261(a), Occupations Code, is
 11-25 amended to read as follows:

11-26 (a) A person holding a manicurist/esthetician specialty
 11-27 license may perform only the practice of cosmetology defined in
 11-28 Sections 1602.002(a)(4) through (9) [~~1602.002(a)(5) through (10)~~].

11-29 SECTION 4.013. Section 1602.305(a), Occupations Code, is
 11-30 amended to read as follows:

11-31 (a) A person holding a specialty shop license may maintain
 11-32 an establishment in which only the practice of cosmetology as
 11-33 defined in Section 1602.002(a)(2), (5), (7), (8), or (10)
 11-34 [~~1602.002(a)(3), (6), (8), (9), or (11)~~] is performed.

11-35 SECTION 4.014. Section 1602.354(a), Occupations Code, is
 11-36 amended to read as follows:

11-37 (a) The commission will by rule recognize, prepare, or
 11-38 administer continuing education programs for the practice of
 11-39 cosmetology. Participation in the programs is mandatory for all
 11-40 license renewals [~~other than renewal of a shampoo specialty~~
 11-41 ~~certificate~~].

11-42 SECTION 4.015. Section 1602.403(c), Occupations Code, is
 11-43 amended to read as follows:

11-44 (c) A person holding a beauty shop license or specialty shop
 11-45 license may not employ[+
 11-46 [~~(1)~~] a person as an operator or specialist or lease to
 11-47 a person who acts as an operator or specialist unless the person
 11-48 holds a license or certificate under this chapter or under Chapter
 11-49 1601[~~, or~~

11-50 [~~(2) a person to shampoo or condition a person's hair~~
 11-51 ~~unless the person holds a shampoo apprentice permit or student~~
 11-52 ~~permit~~].

11-53 SECTION 4.016. Section 1603.352(a), Occupations Code, is
 11-54 amended to read as follows:

11-55 (a) A person who holds a license, certificate, or permit
 11-56 issued under this chapter, Chapter 1601, or Chapter 1602 and who
 11-57 performs a barbering service described by Section 1601.002(1)(E) or
 11-58 (F) or a cosmetology service described by Section 1602.002(a)(8) or
 11-59 (9) [~~1602.002(a)(9) or (10)~~] shall, before performing the service,
 11-60 clean, disinfect, and sterilize with an autoclave or dry heat
 11-61 sterilizer or sanitize with an ultraviolet sanitizer, in accordance
 11-62 with the sterilizer or sanitizer manufacturer's instructions, each
 11-63 metal instrument, including metal nail clippers, cuticle pushers,
 11-64 cuticle nippers, and other metal instruments, used to perform the
 11-65 service.

11-66 SECTION 4.017. The following provisions of the Occupations
 11-67 Code are repealed:

- 11-68 (1) Section 1601.260(c);
- 11-69 (2) Section 1601.261;

- 12-1 (3) Section 1601.301(c);
- 12-2 (4) Section 1602.266(c);
- 12-3 (5) Section 1602.267;
- 12-4 (6) Section 1602.301(c); and
- 12-5 (7) Section 1602.456(b-1).

12-6 SECTION 4.018. On the effective date of this Act:

12-7 (1) a shampoo apprentice permit issued under former
12-8 Section 1601.261 or 1602.267, Occupations Code, expires; and

12-9 (2) a shampoo specialty certificate issued under
12-10 Chapter 1602 expires.

12-11 SECTION 4.019. (a) The changes in law made by this Act to
12-12 Chapters 1601, 1602, and 1603, Occupations Code, do not affect the
12-13 validity of a proceeding pending before a court or other
12-14 governmental entity on the effective date of this Act.

12-15 (b) An offense or other violation of law committed under
12-16 Chapter 1601, 1602, or 1603, Occupations Code, before the effective
12-17 date of this Act is governed by the law in effect when the offense or
12-18 violation was committed, and the former law is continued in effect
12-19 for that purpose. For purposes of this subsection, an offense or
12-20 violation was committed before the effective date of this Act if any
12-21 element of the offense or violation occurred before that date.

12-22 ARTICLE 5. MOTOR VEHICLE TOWING, BOOTING, AND STORAGE

12-23 SECTION 5.001. Section 2303.058, Occupations Code, is
12-24 amended to read as follows:

12-25 Sec. 2303.058. ADVISORY BOARD. The Towing and~~[T]~~ Storage~~[T]~~
12-26 ~~and Booting]~~ Advisory Board under Chapter 2308 shall advise the
12-27 commission in adopting vehicle storage rules under this chapter.

12-28 SECTION 5.002. Section 2308.002, Occupations Code, is
12-29 amended by amending Subdivisions (1) and (8-a) and adding
12-30 Subdivisions (5-b) and (8-b) to read as follows:

12-31 (1) "Advisory board" means the Towing and~~[T]~~ Storage~~[T]~~
12-32 ~~and Booting]~~ Advisory Board.

12-33 (5-b) "Local authority" means a state or local
12-34 governmental entity authorized to regulate traffic or parking and
12-35 includes:

- 12-36 (A) an institution of higher education; and
- 12-37 (B) a political subdivision, including a county,
12-38 municipality, special district, junior college district, housing
12-39 authority, or other political subdivision of this state.

12-40 (8-a) "Peace officer" means a person who is a peace
12-41 officer under Article 2.12, Code of Criminal Procedure.

12-42 (8-b) "Private property tow" means any tow of a
12-43 vehicle authorized by a parking facility owner without the consent
12-44 of the owner or operator of the vehicle.

12-45 SECTION 5.003. Effective September 1, 2018, Section
12-46 2308.004, Occupations Code, is amended to read as follows:

12-47 Sec. 2308.004. EXEMPTION. Sections 2308.151(b),
12-48 2308.2085, 2308.257, and 2308.258 do [(a) This chapter does] not
12-49 apply to:

12-50 (1) a person who, while exercising a statutory or
12-51 contractual lien right with regard to a vehicle:

- 12-52 (A) ~~[(1)]~~ installs or removes a boot; or
- 12-53 (B) ~~[(2)]~~ controls, installs, or directs the
12-54 installation and removal of one or more boots; or~~[T]~~

12-55 (2) ~~[(b) This chapter does not apply to]~~ a commercial
12-56 office building owner or manager who installs or removes a boot in
12-57 the building's parking facility.

12-58 SECTION 5.004. Section 2308.051(a), Occupations Code, as
12-59 amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the
12-60 81st Legislature, Regular Session, 2009, is reenacted and amended
12-61 to read as follows:

12-62 (a) The advisory board consists of the following members
12-63 appointed by the presiding officer of the commission with the
12-64 approval of the commission:

12-65 (1) one representative of a towing company operating
12-66 in a county with a population of less than one million;

12-67 (2) one representative of a towing company operating
12-68 in a county with a population of one million or more;

12-69 (3) one representative ~~[owner]~~ of a vehicle storage

13-1 facility located in a county with a population of less than one
 13-2 million;
 13-3 (4) one representative [~~owner~~] of a vehicle storage
 13-4 facility located in a county with a population of one million or
 13-5 more;
 13-6 (5) one parking facility representative [~~owner~~];
 13-7 (6) one peace officer [~~law enforcement officer~~] from a
 13-8 county with a population of less than one million;
 13-9 (7) one peace officer [~~law enforcement officer~~] from a
 13-10 county with a population of one million or more;
 13-11 (8) one representative of a member insurer, as defined
 13-12 by Section 462.004, Insurance Code, of the Texas Property and
 13-13 Casualty Insurance Guaranty Association who writes [~~property and~~
 13-14 ~~casualty insurers who write~~] automobile insurance in this state;
 13-15 and

13-16 [~~(9) one representative of a booting company~~]
 13-17 (9) one person who operates both a towing company and a
 13-18 vehicle storage facility [~~public member~~].

13-19 SECTION 5.005. Effective September 1, 2018, Section
 13-20 2308.151, Occupations Code, is amended to read as follows:

13-21 Sec. 2308.151. LICENSE OR LOCAL AUTHORIZATION REQUIRED.
 13-22 (a) Unless the person holds an appropriate license under this
 13-23 subchapter, a person may not:

- 13-24 (1) perform towing operations; or
- 13-25 (2) operate a towing company. [~~+~~]

13-26 (b) Unless a person is authorized by a local authority under
 13-27 Section 2308.2085, a person may not:

- 13-28 (1) [~~(3)~~] perform booting operations; or
- 13-29 (2) [~~(4)~~] operate a booting company.

13-30 SECTION 5.006. Section 2308.2085, Occupations Code, is
 13-31 amended to read as follows:

13-32 Sec. 2308.2085. LOCAL AUTHORITY REGULATION OF [~~MUNICIPAL~~
 13-33 ~~ORDINANCE REGULATING~~] BOOTING ACTIVITIES [~~COMPANIES AND~~
 13-34 ~~OPERATORS~~]. (a) A local authority [~~municipality~~] may regulate, in
 13-35 areas in which the entity regulates parking or traffic, [~~adopt an~~
 13-36 ~~ordinance that is identical to the~~] booting activities, including:

- 13-37 (1) operation of booting companies and operators that
 13-38 operate on a parking facility;
- 13-39 (2) any permit and sign requirements in connection
 13-40 with the booting of a vehicle; and
- 13-41 (3) [~~provisions in this chapter or that imposes~~
 13-42 ~~additional requirements that exceed the minimum standards of the~~
 13-43 ~~booting provisions in this chapter but may not adopt an ordinance~~
 13-44 ~~that conflicts with the booting provisions in this chapter.~~

13-45 [(b) A municipality may regulate the] fees that may be
 13-46 charged in connection with the booting of a vehicle [~~, including~~
 13-47 ~~associated parking fees~~].

13-48 (b) Regulations adopted under this section must:

- 13-49 (1) incorporate the requirements of Sections 2308.257
 13-50 and 2308.258;
- 13-51 (2) include procedures for vehicle owners and
 13-52 operators to file a complaint with the local authority regarding a
 13-53 booting company or operator;
- 13-54 (3) provide for the imposition of a penalty on a
 13-55 booting company or operator for a violation of Section 2308.258;
 13-56 and

13-57 (4) provide for the revocation of any permit, license,
 13-58 or other authority of a booting company or operator to boot vehicles
 13-59 if the company or operator violates Section 2308.258 more than
 13-60 twice in a five-year period [(c) A municipality may require
 13-61 ~~booting companies to obtain a permit to operate in the~~
 13-62 ~~municipality~~].

13-63 SECTION 5.007. Section 2308.255, Occupations Code, is
 13-64 amended to read as follows:

13-65 Sec. 2308.255. TOWING COMPANY'S [~~OR BOOT OPERATOR'S~~]
 13-66 AUTHORITY TO TOW [~~REMOVE~~] AND STORE [~~OR BOOT~~] UNAUTHORIZED VEHICLE.

13-67 (a) A towing company [~~that is insured as provided by Subsection~~
 13-68 ~~(c)~~] may, without the consent of an owner or operator of an
 13-69 unauthorized vehicle, tow the vehicle to [~~remove~~] and store the

14-1 vehicle at a vehicle storage facility at the expense of the owner or
14-2 operator of the vehicle if:

14-3 (1) the towing company has received written
14-4 verification from the parking facility owner that:

14-5 (A) ~~[the parking facility owner has installed]~~
14-6 the signs required by Section 2308.252(a)(1) are posted; or

14-7 (B) the owner or operator received notice under
14-8 Section 2308.252(a)(2) or the parking facility owner gave notice
14-9 complying with Section 2308.252(a)(3); or

14-10 (2) on request the parking facility owner provides to
14-11 the owner or operator of the vehicle information on the name of the
14-12 towing company and vehicle storage facility that will be used to tow
14-13 ~~[remove]~~ and store the vehicle and the vehicle is:

14-14 (A) left in violation of Section 2308.251;

14-15 (B) in or obstructing a portion of a paved
14-16 driveway; or

14-17 (C) on a public roadway used for entering or
14-18 exiting the facility and the tow ~~[removal]~~ is approved by a peace
14-19 officer.

14-20 (b) A towing company may not tow ~~[remove]~~ an unauthorized
14-21 vehicle except under:

14-22 (1) this chapter;

14-23 (2) a municipal ordinance that complies with Section
14-24 2308.208; or

14-25 (3) the direction of:

14-26 (A) a peace officer; or

14-27 (B) the owner or operator of the vehicle.

14-28 (c) Only a towing company that is insured against liability
14-29 for property damage incurred in towing a vehicle may tow ~~[remove]~~
14-30 and store an unauthorized vehicle under this section.

14-31 (d) A towing company may tow ~~[remove]~~ and store a vehicle
14-32 under Subsection (a) ~~[and a boot operator may boot a vehicle under~~
14-33 ~~Section 2308.257]~~ only if the parking facility owner:

14-34 (1) requests that the towing company tow ~~[remove]~~ and
14-35 store ~~[or that the boot operator boot]~~ the specific vehicle; or

14-36 (2) has a standing written agreement with the towing
14-37 company ~~[or boot operator]~~ to enforce parking restrictions in the
14-38 parking facility.

14-39 (e) When a tow truck is used for a nonconsent tow authorized
14-40 by a peace officer under Section 545.3051, Transportation Code, the
14-41 operator of the tow truck and the towing company are agents of the
14-42 law enforcement agency and are subject to Section 545.3051(e),
14-43 Transportation Code.

14-44 SECTION 5.008. Section 2308.257, Occupations Code, is
14-45 amended by amending Subsection (b) and adding Subsection (b-1) to
14-46 read as follows:

14-47 (b) A boot operator that installs a boot on a vehicle must
14-48 affix a conspicuous notice to the vehicle's front windshield or
14-49 driver's side window stating:

14-50 (1) that the vehicle has been booted and damage may
14-51 occur if the vehicle is moved;

14-52 (2) the date and time the boot was installed;

14-53 (3) the name, address, and telephone number of the
14-54 booting company;

14-55 (4) a telephone number that is answered 24 hours a day
14-56 to enable the owner or operator of the vehicle to arrange for
14-57 removal of the boot;

14-58 (5) the amount of the fee for removal of the boot and
14-59 any associated parking fees; ~~[and]~~

14-60 (6) notice of the right of a vehicle owner or vehicle
14-61 operator to a hearing under Subchapter J; and

14-62 (7) in the manner prescribed by the local authority,
14-63 notice of the procedure to file a complaint with the local authority
14-64 for violation of this chapter by a boot operator.

14-65 (b-1) No more than one boot may be installed on a vehicle at
14-66 any time.

14-67 SECTION 5.009. Subchapter F, Chapter 2308, Occupations
14-68 Code, is amended by adding Section 2308.258 to read as follows:

14-69 Sec. 2308.258. BOOT REMOVAL. (a) A booting company

15-1 responsible for the installation of a boot on a vehicle shall remove
15-2 the boot not later than one hour after the time the owner or
15-3 operator of the vehicle contacts the company to request removal of
15-4 the boot.

15-5 (b) A booting company shall waive the amount of the fee for
15-6 removal of a boot, excluding any associated parking fees, if the
15-7 company fails to have the boot removed within the time prescribed by
15-8 Subsection (a).

15-9 SECTION 5.010. The heading to Subchapter I, Chapter 2308,
15-10 Occupations Code, is amended to read as follows:

15-11 SUBCHAPTER I. REGULATION OF TOWING COMPANIES [~~BOOTING COMPANIES,~~]
15-12 AND PARKING FACILITY OWNERS

15-13 SECTION 5.011. (a) The following provisions of the
15-14 Occupations Code are repealed:

15-15 (1) Section 2308.002(9); and

15-16 (2) Section 2308.103(d).

15-17 (b) Effective September 1, 2018, Sections 2308.1555 and
15-18 2308.1556, Occupations Code, are repealed.

15-19 SECTION 5.012. (a) On September 1, 2018, a license issued
15-20 under former Section 2308.1555 or 2308.1556, Occupations Code,
15-21 expires.

15-22 (b) The changes in law made by this article to Section
15-23 2308.051(a), Occupations Code, regarding the qualifications for a
15-24 member of the Towing and Storage Advisory Board do not affect the
15-25 entitlement of a member serving on the board immediately before the
15-26 effective date of this article to continue to serve and function as
15-27 a member of the board for the remainder of the member's term. When
15-28 board vacancies occur on or after the effective date of this
15-29 article, the presiding officer of the Texas Commission of Licensing
15-30 and Regulation shall appoint new members to the board in a manner
15-31 that reflects the changes in law made by this article.

15-32 (c) The changes in law made by this article to Section
15-33 2308.255, Occupations Code, do not apply to the booting of a vehicle
15-34 pursuant to a standing written agreement between a booting company
15-35 and a parking facility owner entered into before the effective date
15-36 of this article. The booting of a vehicle pursuant to a standing
15-37 written agreement entered into before the effective date of this
15-38 article is governed by the law as it existed immediately before the
15-39 effective date of this article, and that law is continued in effect
15-40 for that purpose.

15-41 SECTION 5.013. Except as otherwise provided by this
15-42 article, this article takes effect immediately if this Act receives
15-43 a vote of two-thirds of all the members elected to each house, as
15-44 provided by Section 39, Article III, Texas Constitution. If this
15-45 Act does not receive the vote necessary for immediate effect, this
15-46 article takes effect September 1, 2017.

15-47 ARTICLE 6. CONFLICT OF LAW; EFFECTIVE DATE

15-48 SECTION 6.001. To the extent of any conflict, this Act
15-49 prevails over another Act of the 85th Legislature, Regular Session,
15-50 2017, relating to nonsubstantive additions to and corrections in
15-51 enacted codes.

15-52 SECTION 6.002. This Act takes effect only if a specific
15-53 appropriation for the implementation of the Act is provided in a
15-54 general appropriations act of the 85th Legislature.

15-55 SECTION 6.003. Except as otherwise provided by this Act,
15-56 this Act takes effect September 1, 2017.

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