

By: Taylor of Galveston

S.B. No. 2115

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of motor vehicle towing and booting.

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

SECTION 1. Section 2308.0575, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In adopting rules under Subsection (a), the commission may not establish a fee for a private property tow that is greater than the national average fee for a private property tow.

SECTION 2. Section 2308.2085, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Subject to Subsection (d), a [A] municipality may regulate the fees that may be charged in connection with the booting of a vehicle, including associated parking fees.

(d) The fee that may be charged for the removal of a boot may not exceed the national average fee for the removal of a boot.

SECTION 3. Section 2308.254, Occupations Code, is amended to read as follows:

Sec. 2308.254. LIMITATION ON PARKING FACILITY OWNER'S AUTHORITY TO REMOVE OR BOOT UNAUTHORIZED VEHICLE. (a) Except as provided by Subsection (b), a [A] parking facility owner may not have an unauthorized vehicle removed from the facility or booted unless:

(1) the vehicle has been parked, stored, or located on

1 the parking facility continuously for thirty minutes or longer; and

2 (2) the removal or booting is performed ~~[except]:~~

3 (A) ~~[(1)]~~ as provided by this chapter or a
4 municipal ordinance that complies with Section 2308.208; or

5 (B) ~~[(2)]~~ under the direction of a peace officer
6 or the owner or operator of the vehicle.

7 (b) A parking facility owner may have an unauthorized
8 vehicle that has been parked, stored, or located on the parking
9 facility continuously for less than one hour removed from the
10 facility as provided in Subsection (a) if the vehicle:

11 (1) is in or obstructs a fire lane marked according to
12 Section 2308.251(c); or

13 (2) does not display the special license plates issued
14 under Section 504.201, Transportation Code, or the disabled parking
15 placard issued under Chapter 681, Transportation Code, for a
16 vehicle transporting a disabled person and is in a parking space
17 that is designated for the exclusive use of a vehicle transporting a
18 disabled person.

19 SECTION 4. Section 2308.255(d), Occupations Code, is
20 amended to read as follows:

21 (d) A towing company may not remove and store a vehicle
22 under Subsection (a) and a boot operator may not boot a vehicle
23 under Section 2308.257 unless:

24 (1) ~~[only if]~~ the parking facility owner:

25 (A) ~~[(1)]~~ requests that the towing company remove
26 and store or that the boot operator boot the specific vehicle; and
27 ~~[or]~~

1 (B) is physically present on [~~(2) has a standing~~
2 ~~written agreement with the towing company or boot operator to~~
3 ~~enforce parking restrictions in~~] the parking facility at the time
4 the vehicle is towed or booted; and

5 (2) the towing operator or boot operator takes at
6 least one photograph that:

7 (A) shows the location of the vehicle on the
8 parking facility; and

9 (B) includes an accurate time stamp.

10 SECTION 5. Section 2308.257(a), Occupations Code, is
11 amended to read as follows:

12 (a) Subject to Sections 2308.254 and 2308.255, a [A] parking
13 facility owner may, without the consent of the owner or operator of
14 an unauthorized vehicle, cause a boot to be installed on the vehicle
15 in the parking facility if signs that comply with Subchapter G
16 prohibiting unauthorized vehicles are located on the parking
17 facility at the time of the booting and for the preceding 24 hours
18 and remain installed at the time of the booting.

19 SECTION 6. Subchapter I, Chapter 2308, Occupations Code, is
20 amended by adding Section 2308.408 to read as follows:

21 Sec. 2308.408. PROHIBITED TOWING COMPANY AND BOOTING COMPANY
22 ACTIVITY. A towing company or booting company may not directly or
23 indirectly compensate a person who is not licensed under this
24 chapter to perform towing or booting operations to:

25 (1) monitor a parking facility for unauthorized
26 vehicles; or

27 (2) notify the towing company or booting company of

1 unauthorized vehicles left on a parking facility.

2 SECTION 7. The changes in law made by this Act to Section
3 2308.255, Occupations Code, do not apply to the towing or booting of
4 a vehicle under a standing written agreement between a towing
5 company or booting company and a parking facility owner entered
6 into before the effective date of this Act. The towing or booting
7 of a vehicle under a standing written agreement entered into before
8 the effective date of this Act is governed by the law as it existed
9 immediately before the effective date of this Act, and that law is
10 continued in effect for that purpose.

11 SECTION 8. This Act takes effect September 1, 2017.