

By: Neave

H.B. No. 625

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notice and request for a hearing regarding a vehicle
3 that has been towed or booted.

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

5 SECTION 1. Section 2308.455, Occupations Code, is amended
6 to read as follows:

7 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
8 Section 2308.454 must include:

9 (1) a statement of:

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

13 (B) the number of days the person has under
14 Section 2308.456(a) to request a hearing under Paragraph (A);

15 (C) the information that a request for a hearing
16 must contain;

17 (D) [~~(C)~~] any filing fee for the hearing; and

18 (E) [~~(D)~~] the person's right to request a hearing
19 in any justice court in:

20 (i) the county from which the vehicle was
21 towed; or

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

24 (2) the name, address, and telephone number of the

1 towing company that removed the vehicle or the booting company that
2 booted the vehicle;

3 (3) the name, address, telephone number, and county of
4 the vehicle storage facility in which the vehicle was placed;

5 (4) the name, street address including city, state,
6 and zip code, and telephone number of the person, parking facility
7 owner, or law enforcement agency that authorized the removal of the
8 vehicle; and

9 (5) the name, address, and telephone number of each
10 justice court in the county from which the vehicle was towed or, for
11 booted vehicles, the county in which the parking facility is
12 located, or the address of an Internet website maintained by the
13 Office of Court Administration of the Texas Judicial System that
14 contains the name, address, and telephone number of each justice
15 court in that county.

16 SECTION 2. Sections 2308.456(a), (c), and (c-1),
17 Occupations Code, are amended to read as follows:

18 (a) Except as provided by Subsections (c) and (c-1), a
19 person entitled to a hearing under this chapter must deliver a
20 written request for the hearing to the court:

21 (1) before the 14th day after the date the vehicle was
22 removed and placed in the vehicle storage facility or booted,
23 excluding Saturdays, Sundays, and legal holidays; or

24 (2) before the 60th day after the date the vehicle was
25 removed and placed in the vehicle storage facility, excluding
26 Saturdays, Sundays, and legal holidays, for a person whose vehicle
27 is released from the vehicle storage facility before the 20th day

1 after the date the vehicle was removed and placed in the vehicle
2 storage facility, excluding Saturdays, Sundays, and legal
3 holidays.

4 (c) If notice was not given under Section 2308.454, the
5 [~~14-day~~] deadline for requesting a hearing under Subsection (a)
6 does not apply, and the owner or operator of the vehicle may deliver
7 a written request for a hearing at any time.

8 (c-1) The [~~14-day~~] period for requesting a hearing under
9 Subsection (a) does not begin until the date on which the towing
10 company or vehicle storage facility provides to the vehicle owner
11 or operator the information necessary for the vehicle owner or
12 operator to complete the material for the request for hearing
13 required under Subsections (b)(2) through (6).

14 SECTION 3. The changes in law made by this Act to Sections
15 2308.455 and 2308.456, Occupations Code, apply only to a notice or a
16 request for a hearing in connection with a vehicle that is towed or
17 booted on or after the effective date of this Act. A notice or a
18 request for a hearing in connection with a vehicle that is towed or
19 booted before the effective date of this Act is governed by the law
20 in effect when the vehicle was towed or booted, and the former law
21 is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2019.