

By: Hernandez

H.B. No. 1568

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipal employees to request the removal and storage of certain abandoned or illegally parked or operated vehicles.

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

SECTION 1. Subchapter D, Chapter 215, Local Government Code, is amended by adding Section 215.0731 to read as follows:

Sec. 215.0731. AUTHORITY FOR REMOVAL AND STORAGE OF CERTAIN ILLEGALLY OPERATED VEHICLES FOR HIRE. Under an ordinance of a municipality regulating the operation of vehicles for hire in the municipality, including a regulation adopted by a municipality under Section 2402.003(b) or (c), Occupations Code, to aid in the enforcement of the ordinance:

(1) the municipality may authorize a designated employee to request the removal of a vehicle operated in violation of the ordinance; and

(2) a towing company may remove, and a vehicle storage facility may store, a vehicle requested to be removed by an employee under Subdivision (1) without authorization by a peace officer for the removal or storage.

SECTION 2. Section 2308.354, Occupations Code, is amended to read as follows:

Sec. 2308.354. AUTHORITY FOR REMOVAL OF VEHICLE FROM PUBLIC ROADWAY. (a) Under an ordinance of a municipality regulating the

1 parking of vehicles in the municipality, to aid in the enforcement
2 of the ordinance, an employee designated by the municipality may be
3 authorized to:

4 (1) immobilize a vehicle parked in the municipality;
5 ~~[and]~~

6 (2) remove an immobilized vehicle from a public
7 roadway in the municipality; and

8 (3) request the removal and storage of a vehicle that
9 is located in an area where on-street parking is regulated by the
10 ordinance and that:

11 (A) is parked illegally; or

12 (B) is parked legally and:

13 (i) has been unattended for more than 48
14 hours; and

15 (ii) the employee has reasonable grounds to
16 believe is abandoned.

17 (b) A parking facility owner or towing company may not
18 remove a vehicle from a public roadway except under:

19 (1) this chapter or a municipal ordinance that
20 complies with Section 2308.208; or

21 (2) the direction of a peace officer, a municipal
22 employee under Subsection (a)(3), or the owner or operator of the
23 vehicle.

24 (c) Subsection ~~[In addition to the authority granted under~~
25 ~~Subsection (a) and to aid in the enforcement of an ordinance~~
26 ~~regulating the parking of vehicles, a municipality with a~~
27 ~~population of 1.9 million or more may authorize a designated~~

1 ~~employee to request the removal of a vehicle parked illegally in an~~
2 ~~area designated as a tow-away zone in a residential area where~~
3 ~~on-street parking is regulated by the ordinance.~~

4 ~~[(d) Subsections]~~ (a) does ~~[and (c) do]~~ not apply to a
5 vehicle owned by an electric, gas, water, or telecommunications
6 utility while the vehicle is parked for the purpose of conducting
7 work on a facility of the utility that is located below, above, or
8 adjacent to the street.

9 SECTION 3. This Act takes effect September 1, 2019.