

By: Hernandez

H.B. No. 914

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Section 2308.354, Occupations Code, is amended  
7 to read as follows:

8 Sec. 2308.354. AUTHORITY FOR REMOVAL OF VEHICLE FROM PUBLIC  
9 ROADWAY. (a) Under an ordinance of a municipality regulating the  
10 parking of vehicles in the municipality, to aid in the enforcement  
11 of the ordinance, an employee designated by the municipality may be  
12 authorized to:

13 (1) immobilize a vehicle parked in the municipality;

14 [~~and~~]

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

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

20 (A) is parked illegally; or

21 (B) is parked legally and:

22 (i) has been unattended for more than 48  
23 hours; and

24 (ii) the employee has reasonable grounds to

1 believe is abandoned.

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

4 (1) this chapter or a municipal ordinance that  
5 complies with Section 2308.208; or

6 (2) the direction of a peace officer, a municipal  
7 employee under Subsection (a)(3), or the owner or operator of the  
8 vehicle.

9 (c) Subsection [~~In addition to the authority granted under~~  
10 ~~Subsection (a) and to aid in the enforcement of an ordinance~~  
11 ~~regulating the parking of vehicles, a municipality with a~~  
12 ~~population of 1.9 million or more may authorize a designated~~  
13 ~~employee to request the removal of a vehicle parked illegally in an~~  
14 ~~area designated as a tow-away zone in a residential area where~~  
15 ~~on-street parking is regulated by the ordinance.~~

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

21 SECTION 2. This Act takes effect September 1, 2021.