

By: Neave

H.B. No. 3982

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 2308.253(d), Occupations Code, is amended to read as follows:

(d) A [~~Except as provided by a contract described by Subsection (e), a~~] parking facility owner may not have a vehicle towed from the parking facility merely because the vehicle does not display an unexpired license plate or registration insignia issued for the vehicle under Chapter 502, Transportation Code, or the vehicle registration law of another state or country.

SECTION 2. Section 2308.301(b), Occupations Code, is amended to read as follows:

(b) Except as provided by Section 2308.305, an unauthorized vehicle may be towed under Section 2308.252(a)(1) or booted under Section 2308.257 only if each sign prohibiting unauthorized vehicles:

- (1) is made of weather-resistant material;
- (2) is at least 18 inches wide and 24 inches tall;
- (3) contains the international symbol for towing vehicles;
- (4) contains a statement describing who may park in the parking facility and prohibiting all others;
- (5) bears the words, as applicable:

1 (A) "Unauthorized Vehicles Will Be Towed or  
2 Booted at Owner's or Operator's Expense";

3 (B) "Unauthorized Vehicles Will Be Towed at  
4 Owner's or Operator's Expense"; or

5 (C) "Unauthorized Vehicles Will Be Booted at  
6 Owner's or Operator's Expense";

7 (6) contains a statement of the days and hours of  
8 towing and booting enforcement; ~~and~~

9 (7) contains a number, including the area code, of a  
10 telephone that is answered 24 hours a day to enable an owner or  
11 operator of a vehicle to locate a towed vehicle or to arrange for  
12 removal of a boot from a vehicle; and

13 (8) contains a statement describing a person's right  
14 to request a court hearing to determine whether probable cause  
15 existed to remove, or install a boot on, a vehicle.

16 SECTION 3. Section 2308.302, Occupations Code, is amended  
17 by amending Subsection (d) and adding Subsection (f) to read as  
18 follows:

19 (d) Except as provided by Subsections ~~[Subsection]~~ (e) and  
20 (f), the next lower portion of the sign must contain the remaining  
21 information required by Section 2308.301(b) displayed in bright red  
22 letters at least one inch in height on a white background.

23 (f) A sign that otherwise meets the requirements of this  
24 subchapter meets the requirements of Section 2308.301(b)(8) if a  
25 separate sign installed directly above or below the sign contains  
26 the statement describing a person's right to request a hearing  
27 required by Section 2308.301(b)(8).

1 SECTION 4. Section 2308.404, Occupations Code, is amended  
2 by amending Subsection (c) and adding Subsection (d) to read as  
3 follows:

4 (c) A towing company, booting company, or parking facility  
5 owner who intentionally, knowingly, or recklessly violates this  
6 chapter is liable to the owner or operator of the vehicle that is  
7 the subject of the violation for:

8 (1) an amount equal to \$1,000 plus three times the  
9 amount of fees assessed in the vehicle's removal, towing, storage,  
10 or booting;

11 (2) the reasonable costs of photographs and other  
12 documentation related to the towing or booting submitted to the  
13 court by the vehicle owner or operator; and

14 (3) court costs and reasonable attorney's fees.

15 (d) A vehicle owner or operator may bring a civil action  
16 pursuant to this section regardless of whether the owner or  
17 operator requests a hearing under Subchapter J.

18 SECTION 5. Subchapter I, Chapter 2308, Occupations Code, is  
19 amended by adding Section 2308.408 to read as follows:

20 Sec. 2308.408. PREDATORY TOWING AND BOOTING PROHIBITED.

21 (a) In this section, "predatory towing" or "predatory booting"  
22 means the towing or booting, as applicable, of a vehicle that:

23 (1) involves an authorized or unauthorized vehicle  
24 that has been left unattended on a parking facility for 30 minutes  
25 or less;

26 (2) is made from or on, as applicable, a parking  
27 facility on which reserved or unreserved parking spaces remain

1 available; and

2 (3) is a result of the monitoring of a parking facility  
3 by a towing company or operator or booting company or operator.

4 (b) A towing company or operator or booting company or  
5 operator may not engage in predatory towing or booting.

6 (c) An agreement between a parking facility owner and a  
7 towing company or operator or booting company or operator,  
8 including a standard written agreement required under Section  
9 2308.255(d), may not include a provision authorizing predatory  
10 towing or booting.

11 (d) The commission by rule shall establish standards  
12 regarding the monitoring of a parking facility as described by  
13 Subsection (a)(3).

14 SECTION 6. Section 2308.455, Occupations Code, is amended  
15 to read as follows:

16 Sec. 2308.455. CONTENTS OF NOTICE. The notice under  
17 Section 2308.454 must include:

18 (1) a statement of:

19 (A) the person's right to submit a request within  
20 60 [~~14~~] days for a court hearing to determine whether probable cause  
21 existed to remove, or install a boot on, the vehicle;

22 (B) the information that a request for a hearing  
23 must contain;

24 (C) any filing fee for the hearing; and

25 (D) the person's right to request a hearing in  
26 any justice court in:

27 (i) the county from which the vehicle was

1 towed; or

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

4 (2) the name, address, and telephone number of the  
5 towing company that removed the vehicle or the booting company that  
6 booted the vehicle;

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

9 (4) the name, street address including city, state,  
10 and zip code, and telephone number of the person, parking facility  
11 owner, or law enforcement agency that authorized the removal of the  
12 vehicle; and

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

20 SECTION 7. Sections 2308.456(a), (c), and (c-1),  
21 Occupations Code, are amended to read as follows:

22 (a) Except as provided by Subsections (c) and (c-1), a  
23 person entitled to a hearing under this chapter must deliver a  
24 written request for the hearing to the court before the 60th [~~14th~~]  
25 day after the date the vehicle was removed and placed in the vehicle  
26 storage facility or booted, excluding Saturdays, Sundays, and legal  
27 holidays.

1 (c) If notice was not given under Section 2308.454, the  
2 60-day [~~14-day~~] deadline for requesting a hearing under Subsection  
3 (a) does not apply, and the owner or operator of the vehicle may  
4 deliver a written request for a hearing at any time.

5 (c-1) The 60-day [~~14-day~~] period for requesting a hearing  
6 under Subsection (a) does not begin until the date on which the  
7 towing company or vehicle storage facility provides to the vehicle  
8 owner or operator the information necessary for the vehicle owner  
9 or operator to complete the material for the request for hearing  
10 required under Subsections (b)(2) through (6).

11 SECTION 8. Section 2308.458, Occupations Code, is amended  
12 by amending Subsections (c) and (c-1) to read as follows:

13 (c) The issues in a hearing regarding a towed vehicle under  
14 this chapter are:

15 (1) whether probable cause existed for the removal and  
16 placement of the vehicle;

17 (2) whether a towing charge imposed or collected in  
18 connection with the removal or placement of the vehicle was greater  
19 than the amount authorized by the political subdivision under  
20 Section 2308.201 or 2308.202;

21 (3) whether a towing charge imposed or collected in  
22 connection with the removal or placement of the vehicle was greater  
23 than the amount authorized under Section 2308.203; [~~or~~]

24 (4) whether a towing charge imposed or collected in  
25 connection with the removal or placement of the vehicle was greater  
26 than the amount authorized under Section 2308.0575;

27 (5) whether a towing company or operator engaged in

1 predatory towing, as defined by Section 2308.408(a); and

2 (6) whether a parking facility operator entered into  
3 an agreement with a towing company or operator authorizing  
4 predatory towing in violation of Section 2308.408(c).

5 (c-1) The issues in a hearing regarding a booted vehicle  
6 under this chapter are:

7 (1) whether probable cause existed for the booting of  
8 the vehicle; ~~and~~

9 (2) whether a boot removal charge imposed or collected  
10 in connection with the removal of the boot from the vehicle was  
11 greater than the amount authorized by the political subdivision  
12 under Section [2308.2085](#);

13 (3) whether a booting company or operator engaged in  
14 predatory booting, as defined by Section 2308.408(a); and

15 (4) whether a parking facility operator entered into  
16 an agreement with a booting company or operator authorizing  
17 predatory booting in violation of Section 2308.408(c).

18 SECTION 9. Section [2308.253](#)(e), Occupations Code, is  
19 repealed.

20 SECTION 10. Not later than December 1, 2021, the Texas  
21 Department of Licensing and Regulation shall adopt rules as  
22 necessary to implement Section 2308.408, Occupations Code, as added  
23 by this Act.

24 SECTION 11. The changes in law made by this Act apply only  
25 to the towing or booting of a vehicle initiated on or after January  
26 1, 2022. The towing or booting of a vehicle initiated before  
27 January 1, 2022, is governed by the law in effect at the time the

1 towing or booting was initiated, and the former law is continued in  
2 effect for that purpose.

3 SECTION 12. (a) Except as provided by Subsection (b) of  
4 this section, this Act takes effect January 1, 2022.

5 (b) Section 10 of this Act takes effect September 1, 2021.