

BILL ANALYSIS

Senate Research Center

H.B. 480
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, an owner of a vehicle that is towed and stored at the request of a law enforcement agency for an evidentiary or purpose examination may be charged for the towing and storage.

H.B. 480 requires the law enforcement agency to pay for the towing and storage fees provided that the vehicle has not been abandoned, illegally parked, in an accident, or recovered after being stolen.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 18, Code of Criminal Procedure, by adding Article 18.23, as follows:

Art. 18.23. EXPENSES FOR MOTOR VEHICLES TOWED AND STORED FOR CERTAIN PURPOSES. (a) Requires a law enforcement agency that directs the towing and storage of a motor vehicle for an evidentiary or examination purpose to pay the cost of the towing and storage.

(b) Sets forth the types of property to which Subsection (a) applies.

(c) Provides that Subsection (a) does not require a law enforcement agency to pay the cost of certain towing or storage expenses.

(d) Sets forth the motor vehicles to which this subsection applies. Prohibits the owner or operator of the storage property, after a law enforcement agency authorizes release of a motor vehicle held for an evidentiary or examination purpose, from refusing to release the vehicle to the vehicle's owner because the law enforcement agency has not paid the cost of the towing and storage.

(e) Provides that Chapter 685 (Rights of Owners and Operators of Stored Vehicles), Transportation Code, does not apply to a motor vehicle directed by a law enforcement agency to be towed and stored for an evidentiary or examination purpose.

SECTION 2. Amends Sections 2303.155(b) and (c), Occupations Code, to provide that an operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a vehicle stored or parked at the facility a daily storage fee not more than \$20, rather than \$15, for each day or part of a day the vehicle is stored at the facility if the vehicle is not longer than 25 feet and \$35, rather than \$30, for each day or part of a day the vehicle is stored at the facility if the vehicle is longer than 25 feet. Prohibits a notification fee under Subsection (b) from exceeding \$50, rather than \$32, except under certain conditions.

SECTION 3. Amends Subchapter D, Chapter 2303, Occupations Code, by adding Section 2303.158, as follows:

Sec. 2303.158. ACCESS TO GLOVE COMPARTMENT, CONSOLE, OR OTHER INTERIOR STORAGE AREA TO ESTABLISH IDENTITY OR OWNERSHIP. Requires the operator of a vehicle storage facility or a governmental vehicle storage facility to allow a person claiming to be the owner of a vehicle stored or parked at the facility to have access to the vehicle's glove compartment, console, or other interior storage area if documents necessary to establish the person's identity or ownership of the vehicle are located in the glove compartment, console, or other interior storage area.

SECTION 4. Amends Subchapter D, Chapter 2303, Occupations Code, by adding Section 2303.159, as follows:

Sec. 2303.159. FORMS OF PAYMENT OF CHARGES. (a) Sets forth certain payment requirements that an operator of a vehicle storage facility must accept.

(b) Defines "vehicle storage facility."

SECTION 5. Amends Sections 643.206(a) and (c), Transportation Code, as follows:

(a) Requires a towing company that makes a nonconsent tow to tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303 (Vehicle Storage Facilities), Occupations Code, unless the towing company agrees to take the vehicle to a location designated by the vehicle's owner.

(c) Prohibits a fee from being charged or collected, except as provided by this chapter, Article 18.23, Code of Criminal Procedure, or Chapter 2303, Occupations Code, without the prior written consent of the vehicle owner or operator.

SECTION 6. Amends Section 684.012(a), Transportation Code, to authorize a parking facility owner, without the consent of the owner or operator of an unauthorized vehicle, to cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle's owner's or operator's expense if the vehicle is in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility and the removal is approved by a peace officer.

SECTION 7. Amends Section 684.014, Transportation Code, by amending Subsection (a) and adding Subsection (d) as follows:

(a) Authorizes a towing company that is insured as provided by Subsection (c) to, without the consent of an owner or operator of an unauthorized vehicle, remove and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle under certain conditions.

(d) Authorizes a tow company to remove and store a vehicle under Subsection (a) only if the parking facility owner meets certain conditions.

SECTION 8. Amends Section 684.085, Transportation Code, to provide that a violation of this chapter is a misdemeanor punishable by a fine of not less than \$500, rather than \$200, or more than \$1,500, rather than \$500.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2005.