

## **BILL ANALYSIS**

Senate Research Center  
84R12914 TSR-F

H.B. 804  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 804 amends the Occupations Code to clarify the payment forms that vehicle storage facilities must accept. Currently, a vehicle storage facility must accept payment by electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle. The current law has been interpreted to allow these facilities to refuse certain forms of payment that are included in the language. Refusal may prevent individuals from paying in a timely manner and allow certain facility operators to keep vehicles longer and charge excessive storage fees. H.B. 804 seeks to address this issue by amending the applicable law.

H.B. 804 amends current law relating to the forms of payment that the operator of a vehicle storage facility must accept.

### **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 Section 2303.159, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the operator of a vehicle storage facility to accept each of the following forms of payment for any charge associated with delivery or storage of a vehicle:

- (1) cash;
- (2) debit card; and
- (3) credit card.

Deletes existing text requiring the operator of a vehicle storage facility to accept payment by an electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle.

(a-1) Creates this subsection from existing text. Requires the operator of a vehicle storage facility to conspicuously post a sign that makes a certain statement as set forth. Prohibits the operator of a vehicle storage facility from refusing to release a vehicle based on the inability of the facility to accept payment by debit card or credit card, rather than by electronic check, debit card, or credit card, of a fee or charge associated with delivery or storage of the vehicle unless the operator, through no fault of the operator, is unable to accept the debit card or credit card because of a power outage or a machine malfunction. Makes a conforming change.

SECTION 2. Effective date: September 1, 2015.