

## **BILL ANALYSIS**

Senate Research Center  
77R5127 DWS-D

S.B. 448  
By: Harris  
Business & Commerce  
2/9/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, a towing company can tow a vehicle from a parking facility if the company has received notice from the parking facility owner that proper warning signs have been posted. As proposed, S.B. 448 mandates that a parking facility owner must give permission to a towing company to remove an unauthorized vehicle from a parking facility each time that the company seeks to do so. Further, S.B. 448 provides an award of court costs, attorney's fees, actual damages, and punitive damages to the vehicle owner in the case of a wrongful removal.

### **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 684.034, Transportation Code, as follows:

Sec. 684.034. DESIGNATION OF RESTRICTED PARKING SPACES ON OTHERWISE UNRESTRICTED PARKING FACILITY. Requires an owner to place a sign that prohibits unauthorized vehicles from parking in designated spaces and that otherwise complies with Sections 684.031 and 684.032 at the end of each restricted parking space so that the sign, the top of which is required not to be higher than seven feet above ground, is in front of the vehicle that is parked in the space and the rear of which is at the entrance of the space, instead of installing a sign at each entrance to the parking facility as provided by Section 684.031(a)(2). Deletes text regarding the location of the sign.

SECTION 2. Amends Section 684.014, Transportation Code, by amending Subsections (a) and (b) and adding Subsection (d), to authorize 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 if directed to do so at the time of the towing by the parking facility owner, the parking facility owner's agent, or a peace officer. Requires the court, if the it finds in a hearing under Section 685.009 that a towing company removed a vehicle in violation of this chapter, to require the towing company to pay the owner or operator of the vehicle the amounts provided by Section 685.009(e). Permits a towing company to remove an unauthorized vehicle except under two conditions. Deletes text regarding written verification, position of the vehicle, and direction by a peace officer or the owner or operator of the vehicle.

SECTION 3. Amends Chapter 684C, Transportation Code, by adding Section 684.036, as follows:

Sec. 684.036. TOWING OF VEHICLE FROM SPACE GOVERNED BY SECTION 684.034 OR 684.035. Prohibits a vehicle from being removed under this chapter from a space that is located in a parking facility serving or adjacent to an apartment complex and for which a sign or notice has been placed as provided by Section 684.034 or 684.035 unless a

conspicuous notice has been attached for at least three hours to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating certain information. Prohibits a towing company from removing a vehicle under this chapter from a space for which a sign or notice has been placed as provided by Section 684.034 or 684.035 unless the towing company has received written verification from the parking facility owner that the notice required by Subsection (a) has been attached to the vehicle for the period required by that subsection.

SECTION 4. Amends Section 685.009(c) and (e), Transportation Code, to provide that the only issues, rather than sole issue, in a hearing under this chapter are whether, rather than is, probable cause existed for the removal and placement of Chapter 684. Authorizes the court to award to a vehicle owner certain fees or damages. Deletes text regarding prevailing party.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2001.