

BILL ANALYSIS

Senate Research Center
80R7368 MTB-F

H.B. 2094
By: Hill (Carona)
Transportation & Homeland Security
5/11/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, owners and operators of vehicles that have been towed and placed in storage have the right to a hearing before a justice of peace. The owner or operator is required to provide certain information to the court in order to bring forth such a case, but the person is not required to explain the reason for contesting the towing and storage. Towing and storage company owners believe that many cases could be settled outside the court system if they simply knew the reason for the contest prior to the hearing.

Hearings relating to the rights of owners and operators of vehicles towed and placed in storage are required to be held within 10 days of a request for hearing. Notification for hearings relating to such rights is currently the responsibility of the court and is sent to the person by certified mail. Ten days is often not a sufficient amount of time to schedule a hearing on a court's docket and receive confirmation of receipt of certified mail. Furthermore, parties often refuse to claim certified mail. Finally, persons who have had their vehicles removed without probable cause have no specified method for collecting their award.

H.B. 2094 requires vehicle owners and operators contesting towing and storage to provide to the court in advance of a hearing the reason of the contest. This bill requires such a notice of hearing to be delivered in the manner specified for notices under Rule 21a (Methods of Service) of the Texas Rules of Civil Procedure. This bill authorizes the court to make an award of the costs of the removal and the reasonable costs of placement of a vehicle removed without probable cause. Finally, this bill authorizes an award to be enforced by any method currently available for collecting a civil judgment for a debt.

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 685.007(b), Transportation Code, to require a request for hearing on whether probable cause existed for the removal and storage of a vehicle that has been removed and placed in a vehicle storage facility without the consent of the owner or operator of the vehicle to contain a statement explaining each reason why the owner or operator of the vehicle believe s no probable cause existed to remove the vehicle.

SECTION 2. Amends Sections 685.009(a), (b), and (e), Transportation Code, as follows:

(a) Requires a hearing under this chapter (Rights of Owners and Operators of Stored Vehicles) to be held before the 14th, rather than 10th, working day after the date the court receives the request for the hearing.

(b) Requires the court to notify the person who requested the hearing and the person or law enforcement agency that authorized the removal of the vehicle of the date, time, and place of the hearing in a manner provided by Rule 21a (Methods of Service), Texas Rules of Civil Procedure, rather than by registered or certified mail. Requires the court to notify the vehicle storage facility in which the vehicle was placed of the date, time, and place of the hearing in a manner provided by Rule 21a, Texas Rules of Civil Procedure.

(e) Authorizes the court to award reimbursement of fees paid for vehicle towing and storage.

SECTION 3. Amends Chapter 685, Transportation Code, by adding Section 685.011, as follows:

Sec. 685.011. ENFORCEMENT OF AWARD. Authorizes an award under this chapter to be enforced by any means available for the enforcement or judgment of debts.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.