

- SUBJECT:** Moving regulation authority for booting activities to local entities
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Kuempel, Guillen, Frullo, Geren, Hernandez, Herrero, Paddie, S. Thompson
- 0 nays
- 1 absent — Goldman
- WITNESSES:** For — (*Registered, but did not testify:* Adam Cahn, Cahnman's Musings; Tommy Anderson and Joann Messina, Southwest Tow Operators; Jeanette Rash, Texas Towing & Storage Association)
- Against — None
- On — (*Registered, but did not testify:* Jim Arnold, Admiral Enforcement; Nora Del Bosque, Capital Parking ATX; Brian Francis, Texas Department of Licensing and Regulation)
- BACKGROUND:** Occupations Code, sec. 2308 regulates towing and booting companies and operators. Sec. 2308.151 requires a towing operator to have a license to perform a towing or booting operation or operate a towing or booting company.
- In 2016, the Texas Department of Licensing and Regulation conducted a strategic planning process to identify regulations and licensing requirements that could be eliminated without a negative impact on public health and safety. Some have called for state-level regulations on vehicle booting and towing companies to be adjusted or eliminated.
- DIGEST:** CSHB 3306 would remove state licensing requirements for vehicle booting operators and companies and instead would allow local authorities to regulate booting activities in areas where the entities

regulate parking or traffic. Any boot operator's license or booting company license issued by the Texas Department of Licensing and Regulation would expire on September 1, 2018. Unless a person was authorized by a local authority, the person could not perform booting operations or operate a booting company.

Local authorities, defined as governmental entities authorized to regulate traffic or parking including institutions of higher education and political subdivisions, would be allowed to regulate the operation of booting companies and operators that operated on a parking facility and any permit and sign requirements relating to booting vehicles.

These authorities would be required to incorporate into any adopted regulations:

- existing state regulations on booting of unauthorized vehicles and new regulations added by the bill on boot removal;
- procedures for vehicle owners or operators to file complaints; and
- penalties for a booting company or operator that violates boot removal requirements.

The bill would create certain statewide requirements for booting companies, including requiring booting companies to remove a boot within one hour after the owner or operator of the vehicle requests removal, requiring companies to waive a boot removal fee if the boot was not removed within the one hour, and capping the total removal fee for removing multiple boots on a single vehicle at the amount charged for removing one boot.

The bill also would allow a designated university official, in order to facilitate a special event, to request that a vehicle parked at a university parking facility be towed to another location on campus. A vehicle could not be towed under this provision unless the university met certain minimum notification and signage requirements about the special event, as listed in the bill. The university would have certain obligations

regarding fees and notification after the vehicle was towed.

In a manner prescribed by the local authority, a booting operator would have to provide notice on how to file a complaint against a booting operator about a violation.

The bill would adjust the composition of the Towing and Storage Advisory Board's membership as specified in the bill, including by removing the representative of a booting company and adding a representative who operates both a towing company and a vehicle storage facility.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

A companion bill, SB 1501 by Zaffirini, was approved by the Senate on April 25 and has been referred to the House Licensing and Administrative Procedures Committee.