

SUBJECT: Allowing designated municipal employees to request vehicle tows

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 10 ayes — T. King, Goldman, Geren, Guillen, Harless, Hernandez, K. King, Kuempel, Paddie, S. Thompson

0 nays

1 absent — Herrero

WITNESSES: For — Maria Irshad, City of Houston Administration and Regulatory Affairs Department; Jeanette Rash, Texas Towing and Storage Association; (*Registered, but did not testify:* Brie Franco, City of Austin; Jamaal Smith, City of Houston Mayor's Office; Christine Wright, City of San Antonio; JJ Rocha, Texas Municipal League)

Against — None

On — (*Registered, but did not testify:* Carol Anderson)

BACKGROUND: Occupations Code sec. 2308.354 prohibits a parking facility owner or towing company from removing a vehicle from a public roadway except as permitted under statute or at the direction of a peace officer or the owner or operator of the vehicle. It also allows cities with populations of 1.9 million or more to authorize a designated employee to request the removal of a vehicle parked illegally in a tow-away zone.

It has been suggested that the current requirement for peace officers to request vehicles to be towed may not be the best use of officers' time and may sometimes increase the time needed to remove vehicles from streets.

DIGEST: HB 1568 would allow a municipality to authorize a designated employee to request the removal of a vehicle that violated a municipal ordinance regulating the operation of vehicles for hire. The bill also would authorize

a towing company to remove and store a vehicle upon receiving such a request from the designated employee, without authorization by a peace officer.

A municipality also could authorize a designated employee to request the removal and storage of a vehicle that was parked illegally on a street or that was parked legally but had been unattended for more than 48 hours and the employee had reason to believe had been abandoned. A parking facility owner could remove a vehicle from a public roadway under the direction of a designated municipal employee.

The bill would remove the bracket allowing only cities with populations of 1.9 million or more to authorize employees other than peace officers to request tows under certain circumstances.

The bill would take effect on September 1, 2019.