

BILL ANALYSIS

Senate Research Center

H.B. 560
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Current Texas law does not address the issue of vehicles left unattended in an apartment complex's parking lot. H.B. 560 authorizes the removal of a parked vehicle at an apartment complex that constitutes an obstruction, is parked in a tow away zone, or is leaking dangerous fluids.

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 684.012(a), Transportation Code, to make a conforming change.

SECTION 2. Amends Subchapter B, Chapter 684, Transportation Code, by adding Section 684.0125, as follows:

Sec. 684.0125. UNATTENDED VEHICLES ON PARKING FACILITY OF APARTMENT COMPLEX; REMOVAL AND STORAGE OF VEHICLES. (a) Provides that this section applies only to a parking facility serving or adjacent to an apartment complex consisting of one or more residential apartment units and any adjacent real property serving the apartment complex.

(b) Prohibits the owner or operator of a vehicle from leaving unattended on a parking facility a vehicle that meets certain criteria.

(c) Prohibits a parking facility owner from having an emergency vehicle described by Section 684.011(b) removed from the parking facility.

(d) Prohibits a parking facility owner, except as provided by a contract described by Subsection (e), from having a vehicle removed from the parking facility merely because the vehicle does not display certain information.

(e) Provides that a contract provision providing for the removal from a parking facility of a vehicle that does not display an unexpired license plate or registration insignia or a valid inspection certificate is valid only if the provision requires the owner or operator of the vehicle to be given at least 10 days' written notice that the vehicle will be towed from the facility at the vehicle owner's or operator's expense if it is not removed from the parking facility. Requires the notice to be delivered in person to the owner or operator of the vehicle or sent by certified mail, return receipt requested, to that owner or operator.

(f) Prohibits this section from being construed to authorize the owner or operator of a vehicle to leave an unattended vehicle on property that is not designed or intended for the parking of vehicles or to limit or restrict the enforcement of Chapter 683, the abandoned motor vehicle law.

(g) Provides that a provision of an apartment lease or rental agreement entered into or renewed on or after January 1, 2004, that is in conflict or inconsistent with this section is void and is prohibited from being enforced.

SECTION 3. Effective date: January 1, 2004.