

BILL ANALYSIS

C.S.S.B. 2065
By: Hancock
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a recent strategic planning process undertaken by the Texas Department of Licensing and Regulation identified certain regulations and licensing requirements that could be eliminated without adversely affecting public health, safety, and welfare relating to vehicle protection products, temporary common worker employers, for-profit legal service contract companies, barbering and cosmetology, and motor vehicle towing, booting, and storage. C.S.S.B. 2065 seeks to amend the law regarding the licensing and regulation of those occupations and activities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 2065 amends the Business & Commerce Code, the Finance Code, the Labor Code, and the Occupations Code relating to the licensing and regulation of certain occupations and activities. The bill's provisions take effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 85th Legislature.

Vehicle Protection Products

C.S.S.B. 2065 amends the Business & Commerce Code to include among the acts that constitute false, misleading, or deceptive acts or practices under the Deceptive Trade Practices-Consumer Protection Act the use by a warrantor of a vehicle protection product, as defined by the bill, in connection with the product, of a name that includes "casualty," "surety," "insurance," "mutual," or any other word descriptive of an insurance business or a surety business. The bill specifies that a vehicle protection product may include the identity recovery process defined under provisions of the Occupations Code for a vehicle protection product or system that is financed as provided for a motor vehicle or commercial motor vehicle installment sale.

C.S.S.B. 2065 amends the Finance Code to prohibit a retail seller from requiring as a condition of a retail installment transaction or the cash sale of a motor vehicle or commercial vehicle that the buyer purchase a vehicle protection product that is not installed on the vehicle at the time of the transaction. The bill establishes that a violation of that prohibition constitutes a false, misleading, or deceptive act or practice under the Deceptive Trade Practices-Consumer Protection Act and is actionable in a public or private suit brought under that act.

C.S.S.B. 2065 repeals Occupations Code provisions comprising the Vehicle Protection Product Regulatory Act and expressly provides for the following actions on the bill's effective date: dismissal of an action pending before the Texas Department of Licensing and Regulation (TDLR) or under the Vehicle Protection Product Regulatory Act on that date related to an alleged violation of that act as that act existed immediately before the bill's effective date, expiration of a registration issued under that act, and abolishment of the Vehicle Protection Product Warrantor Advisory Board. The bill requires the Texas Commission of Licensing and Regulation to repeal all rules regarding the regulation of vehicle protection product warrantors adopted under the act and authorizes an administrative penalty assessed by the commission or the executive director of TDLR related to a violation of the act, as it existed immediately before the bill's effective date, to be collected as provided by statutory provisions governing TDLR.

Temporary Common Worker Employers

C.S.S.B. 2065 repeals Labor Code provisions relating to a temporary common worker employer license and requiring TDLR and the Texas Commission of Licensing and Regulation to exercise related regulatory, administrative, and licensing authority. The bill amends the Labor Code to instead authorize a governmental subdivision to enforce provisions relating to temporary common worker employers within the boundaries of the governmental subdivision and to reflect that authorization and the repeal of TDLR and commission regulation of temporary common worker employers and of certain licensing requirements for such employers. The bill authorizes a person to operate as a temporary common worker employer in Texas if the person meets the applicable statutory requirements, subject to certain municipal requirements and unless prohibited by a governmental subdivision.

C.S.S.B. 2065 dismisses an administrative proceeding pending on the bill's effective date related to a violation of provisions governing temporary common worker employers and authorizes an administrative penalty assessed by the commission or the executive director of TDLR related to such a violation, as those provisions existed immediately before the bill's effective date, to be collected as provided by statutory provisions governing TDLR.

For-Profit Legal Service Contract Companies

C.S.S.B. 2065 repeals Occupations Code provisions relating to the powers and duties of the executive director of TDLR to enforce statutory provisions regulating for-profit legal service contract companies and relating to prepaid legal service contract programs, legal service contract company records, registration requirements for legal service contract companies, financial security requirements for legal service contract companies, and disciplinary action under statutory provisions regulating such companies.

C.S.S.B. 2065 amends the Occupations Code to make conforming changes and to remove the requirements that a legal service contract be filed with the executive director before it is marketed, sold, offered for sale, administered, or issued in Texas and that any subsequent endorsement or attachment to the contract be so filed before the endorsement or attachment is delivered to legal service contract holders.

C.S.S.B. 2065 establishes that a violation of provisions relating to the regulation of for-profit legal service contract companies is a deceptive trade practice actionable under the Deceptive Trade Practices-Consumer Protection Act. The bill establishes that, on the bill's effective date, a registration issued under statutory provisions repealed by the bill as regards registration of such companies expires and a pending proceeding under repealed statutory provisions regulating such companies relating to a registration or relating to another statutory provision repealed by the bill is dismissed. The bill's provisions relating to for-profit legal service contract companies take effect September 1, 2019.

Barbering and Cosmetology

C.S.S.B. 2065 repeals Occupations Code provisions relating to shampoo apprentice permits and establishes that such a previously issued permit and a previously issued shampoo specialty certificate expire on the bill's effective date. The bill amends the Occupations Code to remove shampooing and conditioning a person's hair from the definitions of "barbering," "practicing barbering," "practice of barbering," and "cosmetology" and from the barbering and cosmetology activities authorized to be performed under a barber technician license or a hair weaving specialty certificate, respectively. The bill removes the prohibition against a person holding a beauty shop license or specialty shop license employing a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or student permit and repeals provisions relating to the shampooing or conditioning of a person's hair by a student permit holder and the employment of a student permit holder for such purposes. The bill establishes that "barbering," "practicing barbering," "practice of barbering," and "cosmetology" do not include threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair. The bill replaces removal of superfluous hair from a person's body using depilatories, preparations, or tweezing techniques as a service that constitutes the practice of cosmetology with such removal using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description.

Motor Vehicle Towing, Booting, and Storage

C.S.S.B. 2065 amends the Occupations Code to replace the prohibition against a person who does not hold an appropriate license under the Texas Towing and Booting Act performing booting operations or operating a booting company with an authorization for a person to do so unless the person is prohibited by a local authority, defined by the bill as a state or local governmental entity authorized to regulate traffic or parking, including an institution of higher education or a political subdivision of the state. The bill repeals certain statutory provisions relating to a boot operator's license and booting company license. The bill revises the scope of the exemption from the Texas Towing and Booting Act applicable to certain persons as regards the installation or removal of a boot by removing the specification that those persons are exempt from the entirety of the act and instead specifying that those persons are exempted from certain specified provisions of the act, as amended or added by the bill, that relate to the booting of vehicles. The bill makes these provisions effective September 1, 2018, and establishes that a boot operator's license and a booting company license expire on that date.

C.S.S.B. 2065 replaces Texas Towing and Booting Act provisions authorizing a municipality to adopt an ordinance that is identical to the booting provisions in that act or that imposes additional requirements that exceed the minimum standards of, but does not conflict with, those provisions, to regulate the fees that may be charged in connection with the booting of a vehicle, and to require booting companies to obtain a permit to operate in the municipality with a provision authorizing a local authority to regulate, in areas in which the entity regulates parking or traffic, booting activities, including operation of booting companies and operators that operate on a parking facility, any permit and sign requirements in connection with the booting of a vehicle, and fees that may be charged in connection with the booting of a vehicle. The bill requires regulations adopted under that bill provision to incorporate the requirements of provisions relating to the booting of an unauthorized vehicle and the bill's provisions relating to boot removal, include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator, provide for the imposition of a penalty on a booting company or operator for a violation of the bill's provisions relating to boot removal, and provide for the revocation of any permit, license, or other authority of a booting company or operator to boot vehicles if the company or operator violates those bill provisions more than twice in a five-year period.

C.S.S.B. 2065 includes among the statements required to be included in a notice a boot operator who installs a boot on an unauthorized vehicle must affix to the vehicle, in the manner prescribed by the local authority, notice of the procedure to file a complaint with the local authority for a violation of the Texas Towing and Booting Act by a boot operator. The bill prohibits the installation of more than one boot on a vehicle at any time. The bill requires a booting company responsible for the installation of a boot on a vehicle to remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot and requires a booting company that fails to have the boot removed within that prescribed time to waive the amount of the fee for the boot removal, excluding any associated parking fees.

C.S.S.B. 2065 authorizes an individual designated by a university, defined by the bill as a certain public senior college or university or a certain private or independent institution of higher education, to request that a vehicle parked at a university parking facility be towed to another location on the university campus to facilitate a special event. The bill prohibits a vehicle from being towed from a university to facilitate a special event unless signs meeting specified criteria are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event. The bill requires personnel to be available if a vehicle is towed from a university to facilitate a special event to release the vehicle within two hours after a request for release of the vehicle and to accept any payment required for the release of the vehicle. The bill prohibits a university from charging a fee for such a tow that exceeds 75 percent of the private property tow fee established by rule of the Texas Commission of Licensing and Regulation. The bill establishes that a vehicle towed from a university to facilitate a special event that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed without further expense to the vehicle owner or operator and to another location on the university campus. The bill requires the university to notify the owner or operator of a vehicle towed to facilitate a special event of the right of the vehicle owner or operator to a hearing. The bill exempts a vehicle towed from a university to facilitate a special event from the statutory requirement for a towing company making a nonconsent tow to tow the vehicle to a vehicle storage facility operated by a person licensed to operate the facility.

C.S.S.B. 2065 replaces the authorization for a towing company, without the consent of an owner or operator of an unauthorized vehicle, to remove and store the vehicle at a vehicle storage facility at the expense of the vehicle's owner or operator if the towing company, in addition to other applicable statutory requirements, has received written verification from the parking facility owner that the parking facility owner has installed certain required signs with an authorization for a towing company, without such consent, to tow the vehicle to and store the vehicle at a vehicle storage facility at the expense of the vehicle's owner or operator if the towing company, in addition to other applicable statutory requirements, has received written verification from the parking facility owner that the signs required under those statutory provisions are posted. The bill establishes that when a tow truck is used for a nonconsent tow authorized by a peace officer under Transportation Code provisions relating to the removal of personal property from a roadway or right-of-way the tow truck operator and the towing company are agents of the law enforcement agency and are subject to those provisions as regards immunity from liability for certain damages and certain exceptions to that immunity. These bill provisions relating to the towing of an unauthorized vehicle expressly do not apply to the booting of a vehicle under a standing written agreement between a booting company and a parking facility owner entered into before the bill's effective date.

C.S.S.B. 2065 renames the Towing, Storage, and Booting Advisory Board as the Towing and Storage Advisory Board and revises the composition of the board. These bill provisions expressly do not affect the entitlement of a member serving on the board immediately before the bill's effective date to continue to serve and function as a member of the board for the remainder of the member's term. The bill's provisions relating to motor vehicle towing, booting, and storage take effect, except as otherwise provided by the bill, on passage, or, if the bill does not receive

the necessary vote, September 1, 2017.

Repealed Provisions

C.S.S.B. 2065 repeals the following provisions:

- Sections 92.002(1), (4), and (4-a) , Labor Code
- Section 92.003, Labor Code
- Section 92.004, Labor Code
- Section 92.011, Labor Code
- Section 92.013(a) , Labor Code
- Section 92.014, Labor Code
- Section 92.015, Labor Code
- Section 92.023(a), Labor Code
- Sections 953.001(4), (5), and (6), Occupations Code
- Sections 953.004, 953.005, and 953.155, Occupations Code
- Subchapters B, C, and E, Chapter 953, Occupations Code
- Section 1601.260(c), Occupations Code
- Section 1601.261, Occupations Code
- Section 1601.301(c), Occupations Code
- Section 1602.266(c), Occupations Code
- Section 1602.267, Occupations Code
- Section 1602.301(c), Occupations Code
- Section 1602.456(b-1), Occupations Code
- Chapter 2306, Occupations Code
- Section 2308.002(9), Occupations Code
- Section 2308.103(d), Occupations Code
- effective September 1, 2018, Section 2308.1555, Occupations Code
- effective September 1, 2018, Section 2308.1556, Occupations Code

EFFECTIVE DATE

Except as otherwise provided, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2065 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. VEHICLE PROTECTION PRODUCTS	Same as engrossed version.

SECTION 1.001. Section 17.45, Business & Commerce Code, is amended.

SECTION 1.001. Same as engrossed version.

SECTION 1.002. Section 17.46(b), Business & Commerce Code, as amended by Chapters 1023 (H.B. 1265) and 1080 (H.B. 2573), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended.

SECTION 1.002. Same as engrossed version.

SECTION 1.003. Subchapter A, Chapter 348, Finance Code, is amended.

SECTION 1.003. Same as engrossed version.

SECTION 1.004. Subchapter A, Chapter 353, Finance Code, is amended.

SECTION 1.004. Same as engrossed version.

SECTION 1.005. Chapter 2306, Occupations Code, is repealed.

SECTION 1.005. Same as engrossed version.

SECTION 1.006. (a) On the effective date of this Act:

SECTION 1.006. Same as engrossed version.

(1) an action, including a disciplinary or administrative proceeding, pending under Chapter 51 or 2306, Occupations Code, on the effective date of this Act related to an alleged violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, is dismissed;

(2) the Vehicle Protection Product Warrantor Advisory Board is abolished; and

(3) a registration issued under former Chapter 2306, Occupations Code, expires.

(b) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall repeal all rules regarding the regulation of vehicle protection product warrantors adopted under former Chapter 2306, Occupations Code.

(c) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 2306, Occupations Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(d) The repeal by this Act of Chapter 2306, Occupations Code, does not affect the validity or terms of a vehicle protection product warranty that was issued or renewed before the effective date of this Act.

SECTION 1.007. Section 17.46(b), Business & Commerce Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 1.007. Same as engrossed version.

SECTION 1.008. Sections 348.014 and 353.017, Finance Code, as added by this Act, apply only to a transaction for the purchase of a motor vehicle or commercial vehicle, as applicable, that occurs on or after the effective date of this Act. A transaction for the purchase of a motor vehicle or commercial vehicle that occurs before the effective date of this Act is governed by the law in effect on the date the transaction occurred, and the former law is continued in effect for that purpose.

SECTION 1.008. Same as engrossed version.

ARTICLE 2. TEMPORARY COMMON WORKER EMPLOYERS

Same as engrossed version.

SECTION 2.001. Section 92.001(a), Labor Code, is amended.

SECTION 2.001. Same as engrossed version.

SECTION 2.002. Section 92.002, Labor Code, is amended.

SECTION 2.002. Same as engrossed version.

SECTION 2.003. The heading to Subchapter B, Chapter 92, Labor Code, is amended.

SECTION 2.003. Same as engrossed version.

SECTION 2.004. Subchapter B, Chapter 92, Labor Code, is amended.

SECTION 2.004. Same as engrossed version.

SECTION 2.005. The heading to Section 92.012, Labor Code, is amended.

SECTION 2.005. Same as engrossed version.

SECTION 2.006. Section 92.013(b), Labor Code, is amended.

SECTION 2.006. Same as engrossed version.

SECTION 2.007. The heading to Subchapter C, Chapter 92, Labor Code, is amended.

SECTION 2.007. Same as engrossed version.

SECTION 2.008. Section 92.021, Labor Code, is amended.

SECTION 2.008. Same as engrossed version.

SECTION 2.009. Section 92.022, Labor Code, is amended.

SECTION 2.009. Same as engrossed version.

SECTION 2.010. Section 92.023(b), Labor Code, is amended.

SECTION 2.010. Same as engrossed version.

SECTION 2.011. Section 92.024, Labor Code, is amended.

SECTION 2.011. Same as engrossed version.

SECTION 2.012. Section 92.025, Labor Code, is amended.

SECTION 2.012. Same as engrossed version.

SECTION 2.013. Chapter 92, Labor Code, is amended.

SECTION 2.013. Same as engrossed version.

SECTION 2.014. The following provisions of the Labor Code are repealed:

SECTION 2.014. Same as engrossed version.

- (1) Sections 92.002(1), (4), and (4-a);
- (2) Section 92.003;
- (3) Section 92.004;
- (4) Section 92.011;
- (5) Section 92.013(a);
- (6) Section 92.014;
- (7) Section 92.015; and
- (8) Section 92.023(a).

SECTION 2.015. (a) An administrative proceeding pending under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on the effective date of this Act related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

SECTION 2.015. Same as engrossed version.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

ARTICLE 3. FOR-PROFIT LEGAL SERVICE CONTRACT COMPANIES

Same as engrossed version.

SECTION 3.001. Section 953.001(1), Occupations Code, is amended.

SECTION 3.001. Same as engrossed version.

SECTION 3.002. Section 953.156, Occupations Code, is amended.

SECTION 3.002. Same as engrossed version.

SECTION 3.003. Section 953.162, Occupations Code, is amended.

SECTION 3.003. Same as engrossed version.

SECTION 3.004. Chapter 953, Occupations Code, is amended.

SECTION 3.004. Same as engrossed version.

SECTION 3.005. The following provisions of the Occupations Code are repealed:
(1) Sections 953.001(4), (5), and (6);
(2) Sections 953.004, 953.005, and 953.155; and
(3) Subchapters B, C, and E, Chapter 953.

SECTION 3.005. Same as engrossed version.

SECTION 3.006. (a) On the effective date of this article, a registration issued under former Subchapter B, Chapter 953, Occupations Code, expires.
(b) On the effective date of this article, a pending proceeding under Chapter 953, Occupations Code, including a complaint investigation, disciplinary action, or administrative penalty proceeding, relating to a registration issued under former Subchapter B, Chapter 953, Occupations Code, or relating to another former provision of Chapter 953, Occupations Code, that is repealed by this article, is dismissed.

SECTION 3.006. Same as engrossed version.

SECTION 3.007. This article takes effect September 1, 2019.

SECTION 3.007. Same as engrossed version.

ARTICLE 4. BARBERING AND COSMETOLOGY

Same as engrossed version.

SECTION 4.001. Section 1601.002, Occupations Code, is amended.

SECTION 4.001. Same as engrossed version.

SECTION 4.002. Subchapter A, Chapter 1601, Occupations Code, is amended.

SECTION 4.002. Same as engrossed version.

SECTION 4.003. Section 1601.256(a), Occupations Code, is amended.

SECTION 4.003. Same as engrossed version.

SECTION 4.004. Section 1602.002(a), Occupations Code, is amended.

SECTION 4.004. Same as engrossed version.

SECTION 4.005. Subchapter A, Chapter 1602, Occupations Code, is amended.

SECTION 4.005. Same as engrossed version.

SECTION 4.006. Section 1602.255(c), Occupations Code, is amended.

SECTION 4.006. Same as engrossed version.

SECTION 4.007. Section 1602.256(a), Occupations Code, is amended.

SECTION 4.007. Same as engrossed version.

SECTION 4.008. Section 1602.257(a), Occupations Code, is amended.

SECTION 4.008. Same as engrossed version.

SECTION 4.009. Section 1602.2571(a), Occupations Code, is amended.

SECTION 4.009. Same as engrossed version.

SECTION 4.010. Section 1602.259(a), Occupations Code, is amended.

SECTION 4.010. Same as engrossed version.

SECTION 4.011. Section 1602.260(a), Occupations Code, is amended.

SECTION 4.011. Same as engrossed version.

SECTION 4.012. Section 1602.261(a), Occupations Code, is amended.

SECTION 4.012. Same as engrossed version.

SECTION 4.013. Section 1602.305(a), Occupations Code, is amended.

SECTION 4.013. Same as engrossed version.

SECTION 4.014. Section 1602.354(a), Occupations Code, is amended.

SECTION 4.014. Same as engrossed version.

SECTION 4.015. Section 1602.403(c), Occupations Code, is amended.

SECTION 4.015. Same as engrossed version.

SECTION 4.016. Section 1603.352(a), Occupations Code, is amended.

SECTION 4.016. Same as engrossed version.

SECTION 4.017. The following provisions of the Occupations Code are repealed:

SECTION 4.017. Same as engrossed version.

- (1) Section 1601.260(c);
- (2) Section 1601.261;
- (3) Section 1601.301(c);
- (4) Section 1602.266(c);
- (5) Section 1602.267;
- (6) Section 1602.301(c); and
- (7) Section 1602.456(b-1).

SECTION 4.018. On the effective date of this Act:

SECTION 4.018. Same as engrossed version.

- (1) a shampoo apprentice permit issued under former Section 1601.261 or 1602.267, Occupations Code, expires; and

(2) a shampoo specialty certificate issued under Chapter 1602 expires.

SECTION 4.019. (a) The changes in law made by this Act to Chapters 1601, 1602, and 1603, Occupations Code, do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) An offense or other violation of law committed under Chapter 1601, 1602, or 1603, Occupations Code, before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

ARTICLE 5. MOTOR VEHICLE TOWING, BOOTING, AND STORAGE

SECTION 5.001. Section 2303.058, Occupations Code, is amended.

SECTION 5.002. Section 2308.002, Occupations Code, is amended.

SECTION 5.003. Effective September 1, 2018, Section 2308.004, Occupations Code, is amended.

SECTION 5.004. Section 2308.051(a), Occupations Code, as amended by Chapters 457 (H.B. 2548) and 845 (S.B. 2153), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended.

SECTION 5.005. Effective September 1, 2018, Section 2308.151, Occupations Code, is amended to read as follows:

Sec. 2308.151. LICENSE OR LOCAL AUTHORIZATION REQUIRED. (a)

Unless the person holds an appropriate license under this subchapter, a person may not:

(1) perform towing operations; or

(2) operate a towing company. ;

(b) Unless a person is authorized by a local authority under Section 2308.2085, a person may not:

(1) ~~(3)~~ perform booting operations; or

(2) ~~(4)~~ operate a booting company.

SECTION 4.019. Same as engrossed version.

Same as engrossed version.

SECTION 5.001. Same as engrossed version.

SECTION 5.002. Same as engrossed version.

SECTION 5.003. Same as engrossed version.

SECTION 5.004. Same as engrossed version.

SECTION 5.005. Effective September 1, 2018, Section 2308.151, Occupations Code, is amended to read as follows:

Sec. 2308.151. LICENSE OR LOCAL AUTHORIZATION REQUIRED. (a)

Unless the person holds an appropriate license under this subchapter, a person may not:

(1) perform towing operations; or

(2) operate a towing company. ;

(b) Unless prohibited by a local authority under Section 2308.2085, a person may:

(1) ~~(3)~~ perform booting operations; and

~~or~~

(2) ~~(4)~~ operate a booting company.

No equivalent provision.

SECTION 5.006. Section 2308.2085, Occupations Code, is amended.

SECTION 5.007. Section 2308.255, Occupations Code, is amended.

SECTION 5.008. Section 2308.257, Occupations Code, is amended.

SECTION 5.009. Subchapter F, Chapter 2308, Occupations Code, is amended by adding Section 2308.258 to read as follows:

Sec. 2308.258. BOOT REMOVAL. (a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

SECTION 5.006. Section 2308.205(a), Occupations Code, is amended to read as follows:

(a) A towing company that makes a nonconsent tow shall tow the vehicle to a vehicle storage facility that is operated by a person who holds a license to operate the facility under Chapter 2303, unless:

(1) the towing company agrees to take the vehicle to a location designated by the vehicle's owner; or

(2) the vehicle is towed under Section 2308.259(b).

SECTION 5.007. Same as engrossed version.

SECTION 5.008. Same as engrossed version.

SECTION 5.009. Same as engrossed version.

SECTION 5.010. Subchapter F, Chapter 2308, Occupations Code, is amended by adding Sections 2308.258 and 2308.259 to read as follows:

Sec. 2308.258. BOOT REMOVAL. (a) A booting company responsible for the installation of a boot on a vehicle shall remove the boot not later than one hour after the time the owner or operator of the vehicle contacts the company to request removal of the boot.

(b) A booting company shall waive the amount of the fee for removal of a boot, excluding any associated parking fees, if the company fails to have the boot removed within the time prescribed by Subsection (a).

Sec. 2308.259. TOWING COMPANY'S AUTHORITY TO TOW VEHICLE FROM UNIVERSITY PARKING FACILITY. (a) In this section:

(1) "Special event" means a university-sanctioned, on-campus activity, including parking lot maintenance.

(2) "University" means:

(A) a public senior college or university, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(b) Subject to Subsection (c), an individual

designated by a university may, to facilitate a special event, request that a vehicle parked at a university parking facility be towed to another location on the university campus.

(c) A vehicle may not be towed under Subsection (b) unless signs complying with this section are installed on the parking facility for the 72 hours preceding towing enforcement for the special event and for 48 hours after the conclusion of the special event.

(d) Each sign required under Subsection (c) must:

(1) contain:

(A) a statement of:

(i) the nature of the special event; and

(ii) the dates and hours of towing enforcement; and

(B) the number, including the area code, of a telephone that is answered 24 hours a day to identify the location of a towed vehicle;

(2) face and be conspicuously visible to the driver of a vehicle that enters the facility;

(3) be located:

(A) on the right or left side of each driveway or curb-cut through which a vehicle can enter the facility, including an entry from an alley abutting the facility; or

(B) at intervals along the entrance so that no entrance is farther than 25 feet from a sign if:

(i) curbs, access barriers, landscaping, or driveways do not establish definite vehicle entrances onto a parking facility from a public roadway other than an alley; and

(ii) the width of an entrance exceeds 35 feet;

(4) be made of weather-resistant material;

(5) be at least 18 inches wide and 24 inches tall;

(6) be mounted on a pole, post, wall, or free-standing board; and

(7) be installed so that the bottom edge of the sign is no lower than two feet and no higher than six feet above ground level.

(e) If a vehicle is towed under Subsection (b), personnel must be available to:

(1) release the vehicle within two hours after a request for release of the vehicle; and

(2) accept any payment required for the release of the vehicle.

(f) A university may not charge a fee for a tow under Subsection (b) that exceeds 75 percent of the private property tow fee established under Section 2308.0575.

(g) A vehicle towed under Subsection (b) that is not claimed by the vehicle owner or operator within 48 hours after the conclusion of the special event may only be towed:

(1) without further expense to the vehicle owner or operator; and

(2) to another location on the university campus.

(h) The university must notify the owner or operator of a vehicle towed under Subsection (b) of the right of the vehicle owner or operator to a hearing under Subchapter J.

SECTION 5.010. The heading to Subchapter I, Chapter 2308, Occupations Code, is amended.

SECTION 5.011. (a) The following provisions of the Occupations Code are repealed:

(1) Section 2308.002(9); and

(2) Section 2308.103(d).

(b) Effective September 1, 2018, Sections 2308.1555 and 2308.1556, Occupations Code, are repealed.

SECTION 5.012. (a) On September 1, 2018, a license issued under former Section 2308.1555 or 2308.1556, Occupations Code, expires.

(b) The changes in law made by this article to Section 2308.051(a), Occupations Code, regarding the qualifications for a member of the Towing and Storage Advisory Board do not affect the entitlement of a member serving on the board immediately before the effective date of this article to continue to serve and function as a member of the board for the remainder of the member's term. When board vacancies occur on or after the effective date of this article, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint new members to the board in a manner that reflects the changes in law made by this article.

(c) The changes in law made by this article to Section 2308.255, Occupations Code, do not apply to the booting of a vehicle pursuant to a standing written agreement between a booting company and a parking facility owner entered into before the effective date of this article. The booting of

SECTION 5.011. Same as engrossed version.

SECTION 5.012. Same as engrossed version.

SECTION 5.013. Same as engrossed version.

a vehicle pursuant to a standing written agreement entered into before the effective date of this article is governed by the law as it existed immediately before the effective date of this article, and that law is continued in effect for that purpose.

SECTION 5.013. Except as otherwise provided by this article, this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2017.

ARTICLE 6. CONFLICT OF LAW;
EFFECTIVE DATE

SECTION 6.001. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.002. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th Legislature.

SECTION 6.003. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

SECTION 5.014. Same as engrossed version.

Same as engrossed version.

SECTION 6.001. Same as engrossed version.

SECTION 6.002. Same as engrossed version.

SECTION 6.003. Same as engrossed version.