

CHAPTER 238

H.B. No. 338

1 AN ACT
2 relating to the court in which a hearing regarding the towing of a
3 motor vehicle may be held.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2308.453, Occupations Code, is amended
6 to read as follows:

7 Sec. 2308.453. JURISDICTION. A hearing under this chapter
8 shall be in any [~~the~~] justice court [~~having jurisdiction~~] in:

9 (1) the county [~~precinct~~] from which the motor vehicle
10 was towed; or

11 (2) for booted vehicles, the county [~~precinct~~] in
12 which the parking facility is located.

13 SECTION 2. Section 2308.455, Occupations Code, is amended
14 to read as follows:

15 Sec. 2308.455. CONTENTS OF NOTICE. The notice under
16 Section 2308.454 must include:

17 (1) a statement of:

18 (A) the person's right to submit a request within
19 14 days for a court hearing to determine whether probable cause
20 existed to remove, or install a boot on, the vehicle;

21 (B) the information that a request for a hearing
22 must contain; [~~and~~]

23 (C) any filing fee for the hearing; and

24 (D) the person's right to request a hearing in

1 any justice court in:

2 (i) the county from which the vehicle was
3 towed; or

4 (ii) for booted vehicles, the county in
5 which the parking facility is located;

6 (2) the name, address, and telephone number of the
7 towing company that removed the vehicle or the booting company that
8 booted the vehicle;

9 (3) the name, address, ~~and~~ telephone number, and
10 county of the vehicle storage facility in which the vehicle was
11 placed;

12 (4) the name, street address including city, state,
13 and zip code, and telephone number of the person, parking facility
14 owner, or law enforcement agency that authorized the removal of the
15 vehicle; and

16 (5) the name, address, and telephone number of each
17 ~~the~~ justice court ~~[having jurisdiction]~~ in the county from
18 ~~[precinct in]~~ which the vehicle was towed or, for booted vehicles,
19 the county in which the parking facility is located, or the address
20 of an Internet website maintained by the Office of Court
21 Administration of the Texas Judicial System that contains the name,
22 address, and telephone number of each justice court in that county
23 ~~[parking facility is located].~~

24 SECTION 3. The change in law made by this Act applies only
25 to a cause of action filed on or after the effective date of this
26 Act. A cause of action filed before the effective date of this Act
27 is governed by the law in effect on the date the action was filed,

1 and the former law is continued in effect for that purpose.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.

David Newhall

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 338 was passed by the House on April 11, 2013, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 338 on May 20, 2013, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 338 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 14 JUNE '13

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10 PM O'CLOCK

JUN 14 2013

[Signature]
Secretary of State