

CHAPTER 450

H.B. No. 160

AN ACT

relating to damages for improper removal or storage of a vehicle.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 7, Chapter 835, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701g-2, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. (a) Any towing company or parking facility owner who violates this Act shall be liable to the owner or operator of the vehicle for damages arising out of the removal or storage of such vehicle and/or any towing or storage fees assessed in connection with the removal or storage of such vehicle. Negligence on the part of the parking facility owner or towing company need not be proven in order to recover under this subsection [Act].

(b) *A towing company or parking facility owner who knowingly, intentionally, or recklessly violates this Act shall be liable to the owner or operator of the vehicle for \$100 plus treble the amount of fees assessed in the removal, towing, or storage of the vehicle.*

(c) In any suit brought under this Act, the prevailing party shall recover reasonable attorney's fees from the nonprevailing party.

SECTION 2. This Act takes effect September 1, 1987, and applies to violations occurring on or after the effective date of this Act. A violation that occurs before the effective date of this Act is subject to disposition under Chapter 835, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701g-2, Vernon's Texas Civil Statutes), as it existed on the date of the violation, and that law is continued in effect for that purpose. A violation occurs before the effective date of this Act if any element of the violation occurs before that date.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.