

Regular Session, 2014

HOUSE BILL NO. 929

BY REPRESENTATIVE BADON

MOTOR VEHICLES: Provides relative to the booting of motor vehicles parked on private property

1 AN ACT

2 To enact Chapter 16-A of Title 32 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 32:1750.1, relative to motor vehicles; to provide relative to motor
4 vehicles parked on private property; to provide relative to the immobilization of such
5 vehicles by booting; to provide relative to parishes and municipalities that provide
6 for the regulation of motor vehicle booting; to provide relative to persons who
7 operate a booting business; to provide for minimum standards; to provide for
8 restrictions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 16-A of Title 32 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 32:1750.1, is hereby enacted to read as follows:

12 CHAPTER 16-A. IMMOBILIZATION OF MOTOR VEHICLES BY BOOTING

13 §1750.1. Immobilization of motor vehicles by booting; private property; legislative
14 findings

15 A.(1) The legislature finds and declares that the immobilization of motor
16 vehicles by booting in the state of Louisiana vitally affects the public interest and the
17 public welfare, and that in order to promote the public interest and the public
18 welfare, and in the exercise of its police power, it is necessary to regulate those who
19 operate motor vehicle booting businesses in Louisiana, in order to prevent frauds,
20 impositions, and other abuses upon its citizens.

1 (2) The legislature also finds that as the practice of immobilizing motor
2 vehicles by booting on private property has become more common, complaints have
3 surfaced regarding the conduct of some of the persons engaged in this business,
4 including complaints of employees engaging in strong-arm tactics to intimidate
5 motorists. The legislature finds it necessary to establish minimum consumer
6 protection standards as well as remedies for motorists who suffer property damage
7 as a result of having their motor vehicles booted or claim to have been wrongfully
8 booted.

9 B. As used in this Chapter, the following words and phrases shall have the
10 meaning ascribed to them in this Section, except as otherwise may be provided or
11 unless a different meaning is plainly required by the context:

12 (1) "Boot" or "booting" means the act of placing on a parked motor vehicle
13 a mechanical device that is designed to be attached to the wheel or tire or other part
14 of such vehicle so as to prohibit its usual manner of movement.

15 (2) "Persons" means any individual, partnership, corporation, association,
16 firm, or other business entity.

17 (3) "Private property" means any parking lot or street which is privately
18 owned and is located near or contiguous to premises having one or more stores or
19 business establishments which is used for the parking of motor vehicles or for
20 vehicular travel by the owner or customers of such establishments and those having
21 express or implied permission of the owner. Private property does not mean any
22 parking lot or street which is owned by the state or any of its political subdivision or
23 by any postsecondary education institution.

24 C.(1) No person shall engage in the business of booting motor vehicles
25 parked on private property in any parish or municipality in the state of Louisiana
26 unless such person has complied with all licensing requirements of the parish or
27 municipality. Each person engaged in any such business shall also meet all
28 additional criteria established by the parish or municipality.

1 (2) The provisions of this Chapter are applicable only to persons engaged in
2 the business of booting motor vehicles in parishes and municipalities that provide,
3 by ordinance, for the regulation of any such business.

4 D.(1) No person shall boot a motor vehicle parked on private property unless
5 such person is the owner of said property or has a written contract with the owner of
6 the private property, or his authorized representative, to boot motor vehicles parked
7 on any such property.

8 (2) No person shall boot a motor vehicle parked on private property unless
9 a minimum of two signs are conspicuously posted and maintained by the owner of
10 the private property in the form and manner prescribed by the parish or municipality.

11 (a) Each sign shall contain such information as prescribed by the parish or
12 municipality, including but not limited to the name of the private property owner, the
13 hours during which vehicles are prohibited from parking on the private property and
14 are subject to booting, and the fees to be charged to release a motor vehicle that has
15 been booted.

16 (b) Each sign shall also contain the name, business address, business
17 telephone number, and business license number of the person authorized by the
18 private property owner to boot a motor vehicle and the telephone number of the
19 office located within the parish or municipality responsible for receiving complaints
20 regarding the booting of motor vehicles.

21 (3) No charge for the release of a vehicle that has been booted in excess of
22 that which is contained in a sign required by the Subsection may be imposed.

23 E.(1) The owner of a motor vehicle booting business shall issue some form
24 of identification to every person who is authorized to boot motor vehicles on his
25 behalf and to each person authorized to accept payment for releasing motor vehicles
26 that have been booted.

27 (2) The identification shall contain the name of the motor vehicle booting
28 business and the name of the authorized representative. Any person who is
29 authorized to accept payment for the release of a motor vehicle that has been booted

1 shall produce such identification to the person responsible for payment of booting
2 fees prior to the receipt of the payment.

3 F.(1) Any person who has booted a vehicle shall immediately affix at the
4 rear-most portion of the window adjacent to the driver's seat of such vehicle, a
5 sticker containing a warning that any attempt to move the vehicle may result in
6 damage to the vehicle, the fee to remove the boot, and stating the time the vehicle
7 was booted.

8 (2) The sticker shall also contain the name, address, and business license
9 number of the motor vehicle booting business as well as a business telephone
10 number which shall facilitate the dispatch of personnel responsible for removing the
11 boot and the time frame of arrival.

12 G.(1) Upon payment of all fees to remove a boot, the person who booted the
13 motor vehicle, or his authorized representative, shall remove the window sticker
14 immediately at no charge. No release or waiver of any kind purporting to limit or
15 avoid liability for damages to a motor vehicle that has been booted shall be valid.

16 (2) Any person who boots a motor vehicle, or any other person authorized
17 to accept payment of any booting fees, shall provide a signed receipt to the person
18 paying the booting fees at the time such fees are paid. The receipt shall contain the
19 name, business address, business license number, and business telephone number of
20 the person who booted the motor vehicle, as such information appears on the
21 business license granted to the person by the parish or municipality.

22 (3) The receipt shall also include the telephone number for the office within
23 the parish or municipality responsible for receiving complaints with respect to
24 booting. The receipt shall also advise the owner of the vehicle that such person is
25 entitled to ask for and have a hearing as provided in Subsection H of this Section.

26 H. The owner of a motor vehicle that has been booted shall have the right to
27 an administrative hearing in the parish or municipality in which the motor vehicle
28 was booted. The purpose of the hearing is to determine the validity of the booting

1 and the fees imposed. The owner shall make a written request for a hearing within
2 ten calendar days from the date the motor vehicle was booted.

3 I. Nothing in this Chapter shall be construed as to prohibit any parish or
4 municipality from enacting ordinances that impose more restrictive requirements or
5 regulations than those provided for in this Chapter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Badon

HB No. 929

Abstract: Provides for the regulation of persons who own or operate motor vehicle booting businesses and boot motor vehicles parked on private property.

Proposed law provides for the regulation of persons who own or operate motor vehicle booting businesses. Provides relative to persons who boot motor vehicles parked on private property. Defines "private property" as any parking lot or street which is privately owned and is located near or contiguous to business establishments which is used for the parking of motor vehicles or for vehicular travel. Provides that "private property" does not mean any parking lot or street which is owned by the state or any of its political subdivision or by any postsecondary education institution. Provides that proposed law is applicable only to persons engaged in the business of booting motor vehicles in parishes and municipalities that provide, by ordinance, for the regulation of booting.

Proposed law prohibits any person who has not complied with all vehicle booting license requirements of the respective parish or municipality from engaging in the business of booting motor vehicles. Requires each person to also meet all additional criteria established by the parish or municipality.

Proposed law prohibits any person from booting a vehicle unless the person is the owner or has a written contract with the owner of the private property. Additionally prohibits a person from booting a motor vehicle unless a minimum of two signs are conspicuously posted and maintained by the owner of the private property in the form and manner prescribed by the parish or municipality. Provides for the sign content requirements. Prohibits a charge in excess of that which is contained in a sign.

Proposed law requires the owner of a motor vehicle booting business to issue some form of identification to every person who is authorized to boot motor vehicles on the owner's behalf and to each person authorized to accept payment for releasing motor vehicles that have been booted. Requires that the identification contain the name of the motor vehicle business and the name of the authorized representative. Requires the authorized representative to produce the identification to any person responsible for the payment of booting fees prior to the receipt of payment.

Proposed law requires any person who has booted a vehicle to immediately affix a sticker at the rear-most portion of the window adjacent to the driver's seat of such vehicle. Provides for the content requirements of the sticker, including the name, address, and business license number of the motor vehicle booting business as well as a business telephone number which will facilitate the dispatch of personnel responsible for removing the boot and the time frame of arrival.

Proposed law requires the person who boots a vehicle to, upon payment of all fees to remove a boot, to remove the window sticker immediately at no charge. Provides that the inclusion of a release or waiver of any kind purporting to limit or avoid liability for damages to a motor vehicle that has been booted is not valid.

Proposed law requires any person who boots a motor vehicle or any person authorized to accept payment of any booting fees to provide a signed receipt to the person paying the booting fees at the time such fees are paid. Provides for the content requirements of the receipt.

Proposed law provides that the owner of a motor vehicle that has been booted has a right to an administrative hearing in the parish or municipality in which the motor vehicle was booted. Provides that the purpose of the hearing is to determine the validity of the booting and the fees imposed. Requires the owner to make the request within 10 calendar days from the date the motor vehicle was booted.

Proposed law provides that nothing in proposed law prohibits any parish or municipality from adopting more restrictive requirements or regulations.

(Adds R.S. 32:1750.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Authorized only the owner of a private lot or a person who has a written contract with the owner of the private property to boot a motor vehicle parked on the private property.