

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 929 by Representative Badon

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

Synopsis of Senate Amendments

1. Made technical changes.
2. Provides that booting companies may not charge any more than the amount specified on posted signs for the release of a booted motor vehicle. Further provides that no boot removal fee or any other charge or fee shall be collected if personnel responsible for removing the boot do not arrive within ninety minutes of the call or other notification that the owner or operator of the vehicle requests removal of the boot.
3. Provides that once all fees for the booted vehicle have been paid, the person who booted the motor vehicle shall remove the boot from the vehicle at no additional charge.
4. Includes any privately owned parking facility at any location in the definition of private property.
5. Authorizes parishes and municipalities to levy an annual fee for licensing persons to engage in the business of booting motor vehicles parked on private property in the parish or municipality.
6. Requires all booting companies that do business in Louisiana to (1) maintain minimum insurance coverage of \$1 million in general liability, \$1 million in commercial auto, \$1 million in garage liability, \$50,000 in garage keepers, \$1 million in errors and omissions, \$1 million in umbrella coverage, and workers compensation coverage on all employees; and (2) show proof of financial responsibility by depositing with the parish or municipality a continuing surety bond in the amount of \$10,000 payable to the parish or municipality, which bond shall be conditioned upon faithful observance of all the provisions of law and any ordinances of the parish or municipality with respect to the business of booting motor vehicles on private property, and shall also indemnify any person who suffers any loss by reason of a failure to observe such provisions of law or ordinance, or any person who suffers any loss, damages, and expenses by reason of a failure to properly boot a vehicle.
7. Prohibits a parking facility operation company, valet company, or a general manager of a parking facility from having a direct or indirect monetary or ownership interest in a business engaged in booting motor vehicles on private property which, for compensation, boots unauthorized vehicles in a parking facility.
8. Prohibits a parking facility operating company, valet company, or general manager of a parking facility in which vehicles are booted from accepting any rebate, compensation, or other valuable consideration, directly or indirectly, from the owner or operator of a business engaged in booting motor vehicles on private property in connection with the booting of vehicles, other than the collected unpaid parking fees.
9. Provides that a first violation of the provisions of law by a person booting motor vehicles parked on private property shall subject such person to a warning and

a subsequent violation shall subject such person to a suspension of the violator's right to engage in the business of booting motor vehicles on private property.

10. Requires all persons engaged in the business of booting motor vehicles parked on private property in any parish or municipality in the state of Louisiana to comply with all the requirements of proposed law and all the licensing and other requirements of any ordinance regulating such business of the parish or municipality in which the person engages in such business.
11. Provides that no person shall boot a motor vehicle parked on private property unless a sign is posted at each lot entrance announcing "Towing and Booting Enforced" or "Booting Enforced". The signs shall also contain the name and phone number of the booting company and the amount of the boot removal fee and, in the case of a pay-to-park lot, a statement that unpaid parking fees will also be collected; a statement that "unauthorized vehicles will be towed or booted at owner's or operator's expense"; a statement that describes who may park in the parking facility or the private property; and in the case of pay-to-park lots, how to pay.
12. Requires that the telephone number provided on the posted signs be in operation twenty four hours a day and manned by a live operator.
13. Prohibits any person from booting a motor vehicle parked on private property or a pay-to-park lot because the motor vehicle is improperly parked in a marked space on such private property or pay-to-park lot unless the person booting the vehicle obtains photographic proof sufficient to clearly show the improper parking.
14. Requires all vehicles that are used in the operation or assistance of a business engaged in booting motor vehicles on private property to display on each side of the vehicle the name of the business, the address from which the business is operating, and a phone number of the business.
15. Requires all vehicle booting agents and personnel to wear business identification that is visible at all time while booting and accepting payments.
16. Requires all booting company personnel responsible for the removing of the boot to be capable of accepting payment by credit or debit card as well as cash.
17. Requires that the receipt provided to the person who pays to have the boot remove contain notification that the owner or operator of a booted vehicle has a right under parish or municipal ordinance to ask for and receive a hearing provided for in proposed law.

Digest of Bill as Finally Passed by Senate

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 facility, parking lot, facility 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 requires all booting companies that do business in Louisiana to:

- (1) maintain minimum insurance coverage of \$1 million in general liability, \$1 million in commercial auto, \$1 million in garage liability, \$50,000 in garage keepers, \$1 million in errors and omissions, \$1 million in umbrella coverage, and workers compensation coverage on all employees; and
- (2) show proof of financial responsibility by depositing with the parish or municipality a continuing surety bond in the amount of \$10,000 payable to the parish or municipality, which bond shall be conditioned upon faithful observance of all the provisions of law and any ordinances of the parish or municipality with respect to the business of booting motor vehicles on private property, and shall also indemnify any person who suffers any loss by reason of a failure to observe such provisions of law or ordinance, or any person who suffers any loss, damages, and expenses by reason of a failure to properly boot a vehicle.

Proposed law prohibits any person from booting a vehicle unless the person has complied with all licensing requirements and 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 any charge in excess of the amount posted on the required signs.

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 all vehicle booting agents and personnel to wear business identification that is visible at all time while booting and accepting payments.

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 boot and the window sticker immediately at no additional charge.

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. Requires that the receipt provided to the person who pays to have the boot remove contain notification that the owner or operator of a booted vehicle has a right under parish or municipal ordinance to ask for and receive a hearing provided for in proposed law.

Proposed law requires all booting company personnel responsible for the removing of the boot to be capable of accepting payment by credit or debit card as well as cash.

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.

Proposed law provides that booting companies may not charge any more than the amount specified on posted signs for the release of a booted motor vehicle. Further provides that no boot removal fee or any other charge or fee shall be collected if personnel responsible for removing the boot do not arrive within ninety minutes of the call or other notification that the owner or operator of the vehicle requests removal of the boot.

Proposed law authorizes parishes and municipalities to levy an annual fee for licensing persons to engage in the business of booting motor vehicles parked on private property in the parish or municipality.

Proposed law prohibits a parking facility operation company, valet company, or a general manager of a parking facility from having a direct or indirect monetary or ownership interest in a business engaged in booting motor vehicles on private property which, for compensation, boots unauthorized vehicles in a parking facility.

Proposed law prohibits a parking facility operating company, valet company, or general manager of a parking facility in which vehicles are booted from accepting any rebate, compensation, or other valuable consideration, directly or indirectly, from the owner or operator of a business engaged in booting motor vehicles on private property in connection with the booting of vehicles, other than the collected unpaid parking fees.

Proposed law provides that a first violation of the provisions of law by a person booting motor vehicles parked on private property shall subject such person to a warning and a subsequent violation shall subject such person to a suspension of the violator's right to engage in the business of booting motor vehicles on private property.

Proposed law requires all persons engaged in the business of booting motor vehicles parked on private property in any parish or municipality in the state of Louisiana to comply with all the requirements of proposed law and all the licensing and other requirements of any ordinance regulating such business of the parish or municipality in which the person engages in such business

Proposed law provides that no person shall boot a motor vehicle parked on private property unless a sign is posted at each lot entrance announcing "Towing and Booting Enforced" or "Booting Enforced". The signs shall also contain the name and phone number of the booting company; the amount of the boot removal fee and, in the case of a pay-to-park lot, a statement that unpaid parking fees will also be collected; a statement that "unauthorized vehicles will be towed or booted at owner's or operator's expense"; a statement that describes who may park in the parking facility or the private property; and in the case of pay-to-park lots, how to pay.

Proposed law requires that the telephone number provided on the posted signs be in operation twenty four hours a day and manned by a live operator.

Proposed law prohibits any person from booting a motor vehicle parked on private property or a pay-to-park lot because the motor vehicle is improperly parked in a marked space on such private property or pay-to-park lot unless the person booting the vehicle obtains photographic proof sufficient to clearly show the improper parking.

Proposed law requires all vehicles that are used in the operation or assistance of a business engaged in booting motor vehicles on private property to display on each side of the vehicle the name of the business, the address from which the business is operating, and a phone number of the business.

(Adds R.S. 32:1750.1)