

AN ACT

relating to notice required in connection with possessory liens on certain motor vehicles.

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

SECTION 1. Section 70.006, Property Code, is amended by amending Subsections (a) and (b-1) and adding Subsection (a-1) to read as follows:

(a) A holder of a lien under this subchapter on a motor vehicle subject to Chapter 501, Transportation Code, or on a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code, as amended, who retains possession of the motor vehicle, motorboat, vessel, or outboard motor shall give written notice to the owner and each holder of a lien recorded on the certificate of title. Subject to Subsection (a-1) ~~[Not later than the 30th day after the date on which the charges accrue]~~, a holder of a possessory lien on a motor vehicle under Section 70.001, other than a person licensed as a franchised dealer under Chapter 2301, Occupations Code, shall file a copy of the notice and all information required by this section with the county tax assessor-collector's office in the county in which the repairs were made with an administrative fee of \$25 payable to the county tax assessor-collector. If the motor vehicle, motorboat, vessel, or outboard motor is registered outside this state, the holder of a

1 lien under this subchapter who retains possession during that  
2 period shall give notice to the last known registered owner and each  
3 lienholder of record.

4 (a-1) A copy of the notice and information required to be  
5 filed with the county tax assessor-collector's office under  
6 Subsection (a) must be filed:

7 (1) for a motor vehicle that has a gross vehicle weight  
8 rating of less than 16,000 pounds, not later than the 30th day after  
9 the date on which the charges accrue; and

10 (2) for a motor vehicle that has a gross vehicle weight  
11 rating equal to or greater than 16,000 pounds, not later than the  
12 later of the 30th day after the date on which the charges accrue or  
13 the 30th day before the date of a proposed sale or disposition of  
14 the motor vehicle under Subsection (f) or (f-1).

15 (b-1) A holder of a possessory lien on a motor vehicle under  
16 Section 70.001, other than a person licensed as a franchised dealer  
17 under Chapter 2301, Occupations Code, who is required to give  
18 notice to a lienholder of record under this section must include in  
19 the notice:

20 (1) the physical address of the real property at which  
21 the repairs to the motor vehicle were made;

22 (2) the legal name of the person that holds the  
23 possessory lien for which the notice is required;

24 (3) the taxpayer identification number or employer  
25 identification number, as applicable, of the person that holds the  
26 possessory lien for which the notice is required; ~~and~~

27 (4) a signed copy of the work order authorizing the

1 repairs on the motor vehicle; and

2 (5) if applicable, the proposed date of the sale or  
3 disposition of the motor vehicle under Subsection (f) or (f-1).

4 SECTION 2. The changes in law made by this Act apply only to  
5 a possessory lien on a motor vehicle the possession of which is  
6 obtained on or after the effective date of this Act. A possessory  
7 lien on a motor vehicle the possession of which was obtained before  
8 that date is governed by the law in effect at the time possession  
9 was obtained, and the former law is continued in effect for that  
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2879 was passed by the House on April 27, 2021, by the following vote: Yeas 144, Nays 2, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2879 was passed by the Senate on May 26, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor