

By: Dutton

H.B. No. 2100

A BILL TO BE ENTITLED

AN ACT

relating to the disposing of abandoned motor vehicles.

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

SECTION 1. Section 2303.151(d), Occupations Code, is amended to read as follows:

(d) A notice under this section must:

- (1) be correctly addressed;
- (2) carry sufficient postage; and
- (3) be sent by certified mail, return receipt requested, or electronic certified mail.

SECTION 2. Section 2303.152(a), Occupations Code, is amended to read as follows:

(a) Notice to the registered owner and the primary lienholder of a vehicle towed to a vehicle storage facility may be provided by publication in a newspaper of general circulation in the county in which the vehicle is stored if:

- (1) the vehicle is registered in another state;
- (2) the operator of the storage facility submits to the governmental entity with which the vehicle is registered a written request for information relating to the identity of the registered owner and any lienholder of record;
- (3) the identity of the registered owner cannot be determined;
- (4) the registration does not contain an address for

1 the registered owner; or [~~and~~]

2 (5) the operator of the storage facility cannot
3 reasonably determine the identity and address of each lienholder.

4 SECTION 3. Section 2303.155(b), Occupations Code, is
5 amended to read as follows:

6 (b) The operator of a vehicle storage facility or
7 governmental vehicle storage facility may charge the owner of a
8 vehicle stored or parked at the facility:

9 (1) a notification fee set in a reasonable amount not
10 to exceed \$25 for providing notice under this subchapter;

11 (2) an impoundment fee of \$20 [~~\$10~~] for any action
12 that:

13 (A) is taken by or at the direction of the owner
14 or operator of the facility; and

15 (B) is necessary to preserve, protect, or service
16 a vehicle stored or parked at the facility; and

17 (3) a daily storage fee of not less than \$5 and not
18 more than \$15 for each day or part of a day the vehicle is stored at
19 the facility.

20 SECTION 4. Section 683.001, Transportation Code, is amended
21 by adding Subdivisions (9) and (10) to read as follows:

22 (9) "Abandoned nuisance vehicle" means a motor vehicle
23 that is at least 10 years old and is of a condition only to be
24 junked, crushed, or dismantled.

25 (10) "Vehicle storage facility" means a vehicle
26 storage facility, as defined by Section 2303.002, Occupations Code,
27 that is operated by a person who holds a license issued under

1 Chapter 2303 of that code to operate that vehicle storage facility.

2 SECTION 5. Section 683.012, Transportation Code, is amended
3 by adding Subsection (e) to read as follows:

4 (e) A law enforcement agency is not required to send a
5 notice, as otherwise required by Subsection (a), if the agency has
6 received notice from a vehicle storage facility that an application
7 has or will be submitted to the department for the disposal of the
8 vehicle.

9 SECTION 6. Section 683.034(e), Transportation Code, is
10 amended to read as follows:

11 (e) If the law enforcement agency does not take the vehicle
12 into custody before the 31st day after the date notice is sent under
13 Section 683.012:

14 (1) the law enforcement agency may not take the
15 vehicle into custody; and

16 (2) the storage facility may dispose of the vehicle
17 under:

18 (A) Chapter 70, Property Code, except that notice
19 under Section 683.012 satisfies the notice requirements of that
20 chapter; or

21 (B) Chapter 2303, Occupations Code, if:

22 (i) the storage facility is a vehicle
23 storage facility; and

24 (ii) the vehicle is an abandoned nuisance
25 vehicle.

26 SECTION 7. This Act takes effect September 1, 2003.