

By: Dutton

H.B. No. 2100

Substitute the following for H.B. No. 2100:

By: Hamric

C.S.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 2303.152(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 the registered owner; or ~~and~~

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

SECTION 2. Section 2303.155(b), Occupations Code, is amended to read as follows:

(b) The operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a

1 vehicle stored or parked at the facility:

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

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

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

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

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

13 SECTION 3. Section 683.001, Transportation Code, is amended
14 by adding Subdivisions (9) and (10) to read as follows:

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

18 (10) "Vehicle storage facility" means a vehicle
19 storage facility, as defined by Section 2303.002, Occupations Code,
20 that is operated by a person who holds a license issued under
21 Chapter 2303 of that code to operate that vehicle storage facility.

22 SECTION 4. Section 683.012, Transportation Code, is amended
23 by adding Subsection (e) to read as follows:

24 (e) A law enforcement agency is not required to send a
25 notice, as otherwise required by Subsection (a), if the agency has
26 received notice from a vehicle storage facility that an application
27 has or will be submitted to the department for the disposal of the

1 vehicle.

2 SECTION 5. Section 683.034(e), Transportation Code, is
3 amended to read as follows:

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

7 (1) the law enforcement agency may not take the
8 vehicle into custody; and

9 (2) the storage facility may dispose of the vehicle
10 under:

11 (A) Chapter 70, Property Code, except that notice
12 under Section 683.012 satisfies the notice requirements of that
13 chapter; or

14 (B) Chapter 2303, Occupations Code, if:
15 (i) the storage facility is a vehicle
16 storage facility; and

17 (ii) the vehicle is an abandoned nuisance
18 vehicle.

19 SECTION 6. This Act takes effect September 1, 2003.