

By: Flores

H.B. No. 3511

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the possession, storage and sale of motor vehicles,  
3 motorboats, vessels, or outboard motors.

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

5 SECTION 1. Section 70.004, Chapter 70, Property Code, is  
6 amended to read as follows:

7 Sec. 70.004. Possession of Motor Vehicle, Motorboat,  
8 Vessel, or Outboard Motor. (a) A holder of a lien under Section  
9 70.003 on a motor vehicle, motorboat, vessel, or outboard motor who  
10 obtains possession of the motor vehicle, motorboat, vessel, or  
11 outboard motor under a state law or city ordinance shall give notice  
12 for a motor vehicle, motorboat, vessel, or outboard motor  
13 registered in this state to the last known registered owner and each  
14 lienholder of record not later than the ~~fifth~~ 14th day after the day  
15 possession is obtained. If the motor vehicle, motorboat, vessel,  
16 or outboard motor is registered outside this state, the notice  
17 shall be given to the last known registered owner and each  
18 lienholder of record not later than the ~~14th~~ 30th day after the day  
19 possession is obtained.

20 (b) Except as provided by Subsection (c), the notice must be  
21 sent by certified mail with return receipt requested and must  
22 contain:

23 (1) a request to remove the motor vehicle, motorboat,  
24 vessel, or outboard motor;

1           (2) a request for payment;

2           (3) the location of the motor vehicle, motorboat, vessel, or  
3 outboard motor; and

4           (4) the amount of accrued charges.

5           (c) The notice may be given by publishing the notice once in  
6 a newspaper of general circulation in the county in which the motor  
7 vehicle, motorboat, vessel, or outboard motor is stored if:

8           (1) the motor vehicle, motorboat, vessel, or outboard motor  
9 is registered in another state;

10           (2) the holder of the lien submits a written request by  
11 certified mail, return receipt requested, to the governmental  
12 entity with which the motor vehicle, motorboat, vessel, or outboard  
13 motor is registered requesting information relating to the identity  
14 of the last known registered owner and any lienholder of record;

15           (3) the holder of the lien:

16           (A) is advised in writing by the governmental entity with  
17 which the motor vehicle, motorboat, vessel, or outboard motor is  
18 registered that the entity is unwilling or unable to provide  
19 information on the last known registered owner or any lienholder of  
20 record; or

21           (B) does not receive a response from the governmental entity  
22 with which the motor vehicle, motorboat, vessel, or outboard motor  
23 is registered on or before the 21st day after the date the holder of  
24 the lien submits a request under Subdivision (2);

25           (4) the identity of the last known registered owner cannot  
26 be determined;

27           (5) the registration does not contain an address for the

1 last known registered owner; and

2 (6) the holder of the lien cannot determine the identities  
3 and addresses of the lienholders of record.

4 (d) The holder of the lien is not required to publish notice  
5 under Subsection (c) if a correctly addressed notice is sent with  
6 sufficient postage under Subsection (b) and is returned as  
7 unclaimed or refused or with a notation that the addressee is  
8 unknown or has moved without leaving a forwarding address.

9 (e) A person is entitled to fees for towing, impoundment,  
10 preservation, and notification and to reasonable storage fees for  
11 up to ~~five~~ 14 days before the day that the notice is mailed or  
12 published, as applicable. After the day that the notice is mailed  
13 or published, the person is entitled to reasonable storage,  
14 impoundment, and preservation fees until the motor vehicle,  
15 motorboat, vessel, or outboard motor is removed and accrued charges  
16 are paid.

17 (f) A person charging fees under Subsection (e) commits an  
18 offense if the person charges a storage fee for a period of time not  
19 authorized by that subsection. An offense under this subsection is  
20 punishable by a fine of not less than \$200 nor more than \$1,000.

21 SECTION 2. This Act takes effect September 1, 2003.