

Amend CSHB 2799 by adding the following appropriately numbered sections to the bill and renumbering existing sections accordingly:

SECTION _____. Section 683.011(b), Transportation Code, is amended to read as follows:

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, ~~and~~ store, send notice regarding, and dispose of an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this subchapter.

SECTION _____. Section 683.031(c), Transportation Code, is amended to read as follows:

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located or to the Department of Public Safety and shall pay a \$10 [~~\$5~~] fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle. A fee paid to the Department of Public Safety shall be used to administer this chapter.

SECTION _____. Sections 683.034(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A law enforcement agency shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under Section 683.012. In this section, a law enforcement agency has custody if the agency:

- (1) has physical custody of the vehicle;
- (2) has given notice to the storage facility that the law enforcement agency intends to dispose of the vehicle under this section; or
- (3) has received a report under Section 683.031(c) and the garagekeeper has met all of the requirements of that subsection.

(b) The law enforcement agency may use the vehicle as authorized by Section 683.016 or sell the vehicle at auction as provided by Section 683.014. If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's charges for

providing notice regarding the vehicle and for service, towing, impoundment, storage, and repair of the vehicle.

(e) If the law enforcement agency does not take the vehicle into custody before the 31st day after the date the vehicle was reported abandoned under Section 683.031 [~~notice is sent under Section 683.012~~]:

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

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

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

(B) Chapter 2303, Occupations Code, if [~~+~~
[~~(i)~~] the storage facility is a vehicle storage facility [~~+~~ and
[~~(ii)~~ the vehicle is an abandoned nuisance vehicle].

SECTION ____ . Section 685.004, Transportation Code, is amended to read as follows:

Sec. 685.004. JURISDICTION. [~~(a)~~] A hearing under this chapter shall be in the justice court having jurisdiction in the precinct in which the vehicle storage facility is located [~~is before the justice of the peace or a magistrate in whose jurisdiction is the location from which the vehicle was removed, except as provided by Subsection (b)~~].

[~~(b) In a municipality with a population of 1.9 million or more, a hearing under this chapter is before a judge of a municipal court in whose jurisdiction is the location from which the vehicle was removed.~~]

SECTION ____ . Section 685.006, Transportation Code, is amended to read as follows:

Sec. 685.006. CONTENTS OF NOTICE. [~~(a)~~] The notice under Section 685.005 must include:

(1) a statement of:

(A) the person's right to submit a request within 14 days for a court hearing to determine whether probable cause

existed to remove the vehicle;

(B) the information that a request for a hearing must contain; and

(C) any filing fee for the hearing;

(2) the name, address, and telephone number of the towing company that removed the vehicle;

(3) the name, address, and telephone number of the vehicle storage facility in which the vehicle was placed; ~~and~~

(4) the name, address, and telephone number of the person, property owner, or law enforcement agency that authorized the removal of the vehicle; and

(5) the name, address, and telephone number of the justice court having jurisdiction in the precinct in which the vehicle storage facility is located ~~[one or more of the appropriate magistrates as determined under Subsection (b)].~~

~~[(b) The notice must include the name, address, and telephone number of:~~

~~[(1) the municipal court of the municipality, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is located in a municipality; or~~

~~[(2) the justice of the peace of the precinct in which the towing company or the vehicle storage facility is located, if the towing company that removed the vehicle or the vehicle storage facility in which the vehicle was placed is not located in a municipality.]~~

SECTION ____ . Section 685.008, Transportation Code, is amended to read as follows:

Sec. 685.008. FILING FEE AUTHORIZED. The court may charge a filing fee of \$20 ~~[\$10]~~ for a hearing under this chapter.

SECTION ____ . Section 685.009, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A hearing under this chapter shall be held before the 10th ~~[seventh]~~ working day after the date the court receives the request for the hearing.

(b) The court shall notify the person who requested the

hearing and the person or law enforcement agency that authorized the removal of the vehicle of the date, time, and place of the hearing by registered or certified mail. The notice of the hearing to the person or law enforcement agency that authorized the removal of the vehicle shall include a copy of the request for hearing.

(b-1) At a hearing under this section:

(1) the burden of proof is on the person who requested the hearing; and

(2) hearsay evidence is admissible if it is considered otherwise reliable by the justice of the peace.

SECTION ____ . Chapter 685, Transportation Code, is amended by adding Section 685.010 to read as follows:

Sec. 685.010. APPEAL. An appeal from a hearing under this chapter is governed by the rules of procedure applicable to civil cases in justice court, except that no appeal bond may be required by the court.

SECTION ____ . 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 ____ . Section 2303.154, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is

mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and send notice of abandonment to a law enforcement agency under Chapter 683, Transportation Code.

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

(f) The operator of a vehicle storage facility or governmental vehicle storage facility may not charge any ~~an~~ additional fee related to storage of the vehicle other than those fees set forth in this section or towing fees allowed under Chapter 643, Transportation Code ~~[that is similar to a notification, impoundment, or administrative fee]~~.

SECTION ____ . Section 101.141(a), Government Code, is amended to read as follows:

(a) A clerk of a justice court shall collect fees and costs as follows:

(1) additional court cost in certain civil cases to establish and maintain an alternative dispute resolution system, if authorized by the commissioners court of a county with a population of at least 2.5 million (Sec. 152.005, Civil Practice and Remedies Code) . . . not to exceed \$3;

(2) additional filing fees:

(A) to fund Dallas County civil court facilities (Sec. 51.705, Government Code) . . . not more than \$15; and

(B) for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . \$2;

(3) for filing a suit in Comal County (Sec. 152.0522, Human Resources Code) . . . \$1.50; and

(4) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 ~~[\$10]~~.

SECTION ____ . Section 101.161, Government Code, is amended to read as follows:

Sec. 101.161. MUNICIPAL COURT FEES AND COSTS. The clerk of a municipal court may collect a fee for a hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$20 [~~\$10~~].

SECTION _____. Section 101.181, Government Code, is amended to read as follows:

Sec. 101.181. MUNICIPAL COURTS OF RECORD FEES AND COSTS. The clerk of a municipal court of record shall collect the following fees and costs:

(1) from an appellant, a transcript preparation fee (Sec. 30.00014, Government Code) . . . \$25; and

(2) from an appellant in the City of El Paso, an appellate court docket fee (Sec. 30.00147, Government Code) . . . \$25 [~~, and~~

~~[(3) fee for hearing on probable cause for removal of a vehicle and placement in a storage facility if assessed by the court (Sec. 685.008, Transportation Code) . . . \$10].~~

SECTION _____. The changes in law made by this Act to Chapters 683 and 685, Transportation Code, Chapter 2303, Occupations Code, and Chapter 101, Government Code, take effect September 1, 2005, and apply only to a removal or seizure of a vehicle that occurs on or after that date. The removal or seizure of a vehicle before September 1, 2005, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.