

1-1 By: Harris S.B. No. 1152  
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Jurisprudence; May 2, 2005,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1152 By: Gallegos

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the perfection of a child support lien on a motor  
1-10 vehicle.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 157.316, Family Code, is amended by  
1-13 amending Subsection (b) and adding Subsection (c) to read as  
1-14 follows:

1-15 (b) If a lien established under this subchapter attaches to  
1-16 a motor vehicle, the lien must be perfected in the manner provided  
1-17 by Chapter 501, Transportation Code, and unless the lien is  
1-18 asserted by the Title IV-D agency as described by Subsection (c),  
1-19 the court [~~or Title IV-D agency~~] that rendered the order of child  
1-20 support shall include in the order a requirement that the obligor  
1-21 surrender to the court [~~or Title IV-D agency~~] evidence of the legal  
1-22 ownership of the motor vehicle against which the lien may attach. A  
1-23 lien against a motor vehicle under this subchapter is not perfected  
1-24 under this subsection until the obligor's title to the vehicle has  
1-25 been surrendered to the court [~~or Title IV-D agency~~] and the Texas  
1-26 Department of Transportation has issued a subsequent title that  
1-27 discloses on its face the fact that the vehicle is subject to a  
1-28 child support lien under this subchapter.

1-29 (c) The Title IV-D agency may perfect a lien asserted by the  
1-30 Title IV-D agency against a motor vehicle under this subchapter in  
1-31 the manner provided by Section 501.1135, Transportation Code.

1-32 SECTION 2. Section 157.322, Family Code, is amended to read  
1-33 as follows:

1-34 Sec. 157.322. MANDATORY RELEASE OF LIEN. (a) On payment  
1-35 in full of the amount of child support due, together with any costs  
1-36 and reasonable attorney's fees, the child support lien claimant  
1-37 shall execute and deliver to the obligor or the obligor's attorney a  
1-38 release of the child support lien. If the Title IV-D agency  
1-39 asserted a child support lien against a motor vehicle, the agency  
1-40 shall deliver to the obligor or the obligor's attorney a discharge  
1-41 of the lien under Section 501.115, Transportation Code.

1-42 (b) The release or discharge of the child support lien is  
1-43 effective when:

1-44 (1) filed with the county clerk with whom the lien  
1-45 notice or abstract of judgment was filed; or

1-46 (2) delivered to any other individual or organization  
1-47 that may have been served with a lien notice under this subchapter.

1-48 SECTION 3. Subsection (a), Section 501.113, Transportation  
1-49 Code, is amended to read as follows:

1-50 (a) Except as provided by Section 501.1135, recordation  
1-51 [~~Recordation~~] of a lien under this chapter is considered to occur  
1-52 when the county assessor-collector:

1-53 (1) is presented with an application for a certificate  
1-54 of title that discloses the lien with tender of the filing fee; or

1-55 (2) accepts the application.

1-56 SECTION 4. Subchapter F, Chapter 501, Transportation Code,  
1-57 is amended by adding Section 501.1135 to read as follows:

1-58 Sec. 501.1135. PERFECTION AND RECORDATION OF CHILD SUPPORT  
1-59 LIEN. (a) In this section:

1-60 (1) "Obligor" has the meaning assigned by Section  
1-61 101.022, Family Code.

1-62 (2) "Title IV-D agency" has the meaning assigned by  
1-63 Section 101.033, Family Code.

2-1           **(b) The Title IV-D agency may perfect a child support lien**  
2-2 **asserted by the Title IV-D agency on a motor vehicle registered in**  
2-3 **this state by delivering to the department a copy of the child**  
2-4 **support lien notice issued by the Title IV-D agency under**  
2-5 **Subchapter G, Chapter 157, Family Code. The child support lien**  
2-6 **notice must contain the information required by Section 157.313,**  
2-7 **Family Code, including the identification number of the motor**  
2-8 **vehicle against which the lien is asserted.**

2-9           **(c) On receiving a copy of a child support lien notice from**  
2-10 **the Title IV-D agency under Subsection (b), if the department finds**  
2-11 **a record of a certificate of title issued in the name of the**  
2-12 **obligor, the department shall process the lien and issue a new**  
2-13 **certificate of title that discloses on its face the fact that the**  
2-14 **vehicle is subject to a child support lien asserted by the Title**  
2-15 **IV-D agency under Subchapter G, Chapter 157, Family Code.**

2-16           **(d) A lien perfected under this section does not affect the**  
2-17 **validity or priority of a conveyance of an interest in the motor**  
2-18 **vehicle, a lien of a holder of a security interest in the motor**  
2-19 **vehicle, or a vendor's lien on the motor vehicle established before**  
2-20 **the date the child support lien was perfected on the certificate of**  
2-21 **title.**

2-22           **(e) A certificate of title issued under this section is**  
2-23 **exempt from the fee imposed under Section 501.138.**

2-24           **(f) The department and the Title IV-D agency by rule shall**  
2-25 **adopt procedures for the implementation of this section.**

2-26           **SECTION 5. The Texas Department of Transportation and the**  
2-27 **Title IV-D agency shall adopt the rules required by Subsection (f),**  
2-28 **Section 501.1135, Transportation Code, as added by this Act, as**  
2-29 **soon as practicable after the effective date of this Act.**

2-30           **SECTION 6. This Act takes effect September 1, 2005.**

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