

BILL ANALYSIS

C.S.H.B. 90
By: Branch
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Having your car towed to a vehicle storage facility can be a stressful and costly situation from the beginning. Current law states that if the vehicle owner's name and address on their drivers license does not match the name and address on the title, the vehicle cannot be released. In order to retrieve your car, you must get an Affidavit of Right to Possession or Control notarized by a Notary Public. The intent of this bill is to ease the burden of the Affidavit by adding an additional form of identification, the owners insurance card, or continuing to use your vehicle title as a form of identification without having the addresses match.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Adds Sec. 2303.160

(a) A vehicle storage facility may not refuse to release a vehicle to the owner or operator of the vehicle or require a sworn affidavit of the owner or operator of the vehicle because the owner or operator presents a valid photo identification issued by the state or a federal agency that includes a different address than the address contained in the title and registration records of the vehicle.

(b) A vehicle storage facility must accept evidence of financial responsibility as an additional form of identification that establishes ownership or right of possession or control of the vehicle.

(c) The vehicle storage facility is not required to release the vehicle to the owner if the owner of the vehicle does not:

- (1) pay the charges associated with the storage of the vehicle
- (2) present valid photo identification issued by this state, another state or a federal agency.

SECTION 2: Effective date of September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute removes language to require a vehicle storage facility to provide a notary public service at the facility during hours of operation. Current rules, set by the Texas Transportation Commission, state that if the vehicle owner's name and address on their drivers license does not match the name and address on the title, the vehicle cannot be released. The committee substitute allows the vehicle to be released if the name on your identification matches the name on your title (address may be different) and requires that proof of financial responsibility be sufficient evidence to retrieve your vehicle.