

By: Herrero

H.B. No. 3977

A BILL TO BE ENTITLED

AN ACT

relating to the storage of a vehicle by a vehicle storage facility.

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

SECTION 1. Subchapter D, Chapter 2303, Occupations Code, Section 2303.154 is amended to read as follows:

Sec. 2303.154. SECOND NOTICE; CONSENT TO SALE. (a) If a vehicle is not claimed by a person permitted to claim the vehicle or is not taken into custody by a law enforcement agency under Chapter 683, Transportation Code, before the 21st day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall send a second notice to the registered owner and the primary lienholder of the vehicle.

(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.

(b) Notice under this section must include:

(1) the information listed in Section 2303.153(a);  
(2) a statement of the right of the facility to dispose of the vehicle under Section 2303.157; and

(3) a statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date

1 the notice is provided is:

2 (A) a waiver by that person of all right, title,  
3 or interest in the vehicle; and

4 (B) a consent to the sale of the vehicle at a  
5 public sale.

6 (c) Notwithstanding Subsection (b), if publication is  
7 required for notice under this section, the notice must include:

8 (1) the information listed in Section 2303.153(b); and

9 (2) a statement that the failure of the owner or  
10 lienholder to claim the vehicle before the date of sale is:

11 (A) a waiver of all right, title, and interest in  
12 the vehicle; and

13 (B) a consent to the sale of the vehicle at a  
14 public sale.

15 SECTION 2. The changes in law made by this Act to Chapter  
16 2303, Occupations Code, apply only to a vehicle accepted for  
17 storage at a vehicle storage facility on or after the effective date  
18 of this Act. A vehicle accepted for storage before the effective  
19 date of this Act is covered by the law in effect on the date the  
20 vehicle is accepted, and the former law is continued in effect for  
21 that purpose.

22 SECTION 3. This Act takes effect September 1, 2007.