

By: Harless

H.B. No. 1631

Substitute the following for H.B. No. 1631:

By: Geren

C.S.H.B. No. 1631

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain notice requirements regarding possessory liens  
3 on certain motor vehicles; providing a criminal penalty.

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

5 SECTION 1. Section 70.006, Property Code, is amended by  
6 adding Subsections (b-1), (b-2), (b-3), and (g) to read as follows:

7 (b-1) A holder of a possessory lien on a motor vehicle under  
8 Section 70.001, other than a person licensed as a franchised dealer  
9 under Chapter 2301, Occupations Code, who is required to give  
10 notice to a lienholder of record under this section must include in  
11 the notice:

12 (1) the physical address of the real property at which  
13 the repairs to the motor vehicle were made;

14 (2) the legal name of the person that holds the  
15 possessory lien for which the notice is required;

16 (3) the taxpayer identification number or employer  
17 identification number, as applicable, of the person that holds the  
18 possessory lien for which the notice is required; and

19 (4) a signed copy of the work order authorizing the  
20 repairs on the motor vehicle.

21 (b-2) If the holder of a possessory lien required to give  
22 notice in accordance with Subsection (b-1) does not comply with  
23 that subsection, a lien recorded on the certificate of title of the  
24 motor vehicle is superior to the possessory lienholder's lien.

1        (b-3) A person commits an offense if the person knowingly  
2 provides false or misleading information in a notice required by  
3 this section. An offense under this subsection is a Class B  
4 misdemeanor.

5        (g) After providing notice in accordance with this section,  
6 a holder of a possessory lien on a motor vehicle under Section  
7 70.001, other than a person licensed as a franchised dealer under  
8 Chapter 2301, Occupations Code, shall make commercially reasonable  
9 efforts to allow an owner and each lienholder of record to inspect  
10 or arrange an inspection of the motor vehicle by a qualified  
11 professional to verify that the repairs were made.

12        SECTION 2. The changes in law made by this Act apply only to  
13 a possessory lien on a motor vehicle the possession of which is  
14 obtained on or after the effective date of this Act. A possessory  
15 lien on a motor vehicle the possession of which was obtained before  
16 that date is governed by the law in effect at the time possession  
17 was obtained, and the former law is continued in effect for that  
18 purpose.

19        SECTION 3. This Act takes effect September 1, 2009.