

## **BILL ANALYSIS**

S.B. 266  
By: Williams  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that legislation was recently passed with the intent to require both the holder of a possessory lien on a motor vehicle and the county tax assessor-collector's office in the county in which the vehicle's repairs were made to give written notice to all parties that have an interest in the vehicle. According to certain sources, however, the statutory provisions relating to the notification requirements do not clearly state to which liens the notice requirement applies. S.B. 266 seeks to clarify such notice requirements.

### **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**

S.B. 266 amends the Property Code, in the requirement that a holder of a possessory lien or a self-service storage facility lien on a motor vehicle or on a motorboat, vessel, or outboard motor for which a certificate of title is required under state law who retains possession of said item give written notice to the owner and each holder of a lien recorded on the certificate of title, to remove the specification that such notice be given not later than the 30th day after the date on which the charges accrue. The bill specifies, in the requirement that a holder of a possessory lien on a motor vehicle under statutory provisions governing a worker's lien, other than a person licensed as a franchised dealer of motor vehicles, file a copy of the notice and all required information with the county tax assessor-collector's office in the county in which the repairs specified under the worker's lien were made with an administrative fee, that such filing must be made not later than the 30th day after the date on which the charges accrue.

S.B. 266 changes the date by which the county tax assessor-collector must provide a copy of the notice to the owner of the motor vehicle and each holder of a lien recorded on the motor vehicle's certificate of title from the 10th day after the date the county tax assessor-collector receives such notice to the 15th business day after that date. The bill specifies, in the requirement that the county tax assessor-collector provide the required notice in the same manner as a holder of a lien is required to provide notice under the bill's provisions, that the county tax assessor-collector is not required to use certified mail. The bill establishes that the notice required under the bill's provisions is required regardless of the date on which the charges on which the possessory lien is based accrued.

### **EFFECTIVE DATE**

September 1, 2011.