

By: Kuempel

H.B. No. 787

A BILL TO BE ENTITLED

1 AN ACT

2 relating to abandoned, wrecked, dismantled, discarded, and  
3 inoperable aircraft and watercraft.

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

5 SECTION 1. Section 683.001, Transportation Code, is amended  
6 by adding Subdivision (11) to read as follows:

7 (11) "Aircraft" has the meaning assigned by Section  
8 24.001.

9 SECTION 2. Section 683.011, Transportation Code, is amended  
10 to read as follows:

11 Sec. 683.011. AUTHORITY TO TAKE ABANDONED MOTOR VEHICLE  
12 INTO CUSTODY. (a) A law enforcement agency may take into custody  
13 an abandoned motor vehicle, aircraft, watercraft, or outboard motor  
14 found on public or private property.

15 (b) A law enforcement agency may use agency personnel,  
16 equipment, and facilities or contract for other personnel,  
17 equipment, and facilities to remove, preserve, store, send notice  
18 regarding, and dispose of an abandoned motor vehicle, aircraft,  
19 watercraft, or outboard motor taken into custody by the agency  
20 under this subchapter.

21 SECTION 3. Sections 683.012(a), (b), (c), and (d),  
22 Transportation Code, are amended to read as follows:

23 (a) A law enforcement agency shall send notice of  
24 abandonment to:

1           (1) the last known registered owner of each motor  
2 vehicle, aircraft, watercraft, or outboard motor taken into custody  
3 by the agency or for which a report is received under Section  
4 683.031; and

5           (2) each lienholder recorded:

6                   (A) under Chapter 501 for the motor vehicle;

7                   (B) with the Federal Aviation Administration or  
8 the secretary of state for the aircraft; or

9                   (C) under Chapter 31, Parks and Wildlife Code,  
10 for the watercraft or outboard motor.

11           (b) The notice under Subsection (a) must:

12                   (1) be sent by certified mail not later than the 10th  
13 day after the date the agency:

14                           (A) takes the abandoned motor vehicle, aircraft,  
15 watercraft, or outboard motor into custody; or

16                           (B) receives the report under Section 683.031;

17                   (2) specify the year, make, model, and identification  
18 number of the item;

19                   (3) give the location of the facility where the item is  
20 being held;

21                   (4) inform the owner and lienholder of the right to  
22 claim the item not later than the 20th day after the date of the  
23 notice on payment of:

24                           (A) towing, preservation, and storage charges;  
25 or

26                           (B) garagekeeper's charges and fees under  
27 Section 683.032 and, if the vehicle is a commercial motor vehicle

1 impounded under Section 644.153(q), the delinquent administrative  
2 penalty and costs; and

3 (5) state that failure of the owner or lienholder to  
4 claim the item during the period specified by Subdivision (4) is:

5 (A) a waiver by that person of all right, title,  
6 and interest in the item; and

7 (B) consent to the sale of the item at a public  
8 auction.

9 (c) Notice by publication in one newspaper of general  
10 circulation in the area where the motor vehicle, aircraft,  
11 watercraft, or outboard motor was abandoned is sufficient notice  
12 under this section if:

13 (1) the identity of the last registered owner cannot  
14 be determined;

15 (2) the registration has no address for the owner; or

16 (3) the determination with reasonable certainty of the  
17 identity and address of all lienholders is impossible.

18 (d) Notice by publication:

19 (1) must be published in the same period that is  
20 required by Subsection (b) for notice by certified mail and contain  
21 all of the information required by that subsection; and

22 (2) may contain a list of more than one abandoned motor  
23 vehicle, aircraft, watercraft, or outboard motor.

24 SECTION 4. Section 683.013, Transportation Code, is amended  
25 to read as follows:

26 Sec. 683.013. STORAGE FEES. A law enforcement agency or the  
27 agent of a law enforcement agency that takes into custody an

1 abandoned motor vehicle, aircraft, watercraft, or outboard motor is  
2 entitled to reasonable storage fees:

3 (1) for not more than 10 days, beginning on the day the  
4 item is taken into custody and ending on the day the required notice  
5 is mailed; and

6 (2) beginning on the day after the day the agency mails  
7 notice and ending on the day accrued charges are paid and the  
8 vehicle, aircraft, watercraft, or outboard motor is removed.

9 SECTION 5. Sections 683.014(a) and (c), Transportation  
10 Code, are amended to read as follows:

11 (a) If an abandoned motor vehicle, aircraft, watercraft, or  
12 outboard motor is not claimed under Section 683.012:

13 (1) the owner or lienholder:

14 (A) waives all rights and interests in the item;  
15 and

16 (B) consents to the sale of the item by public  
17 auction or the transfer of the item, if a watercraft, as provided by  
18 Subsection (d); and

19 (2) the law enforcement agency may sell the item at a  
20 public auction, transfer the item, if a watercraft, as provided by  
21 Subsection (d), or use the item as provided by Section 683.016.

22 (c) The purchaser of a motor vehicle, aircraft, watercraft,  
23 or outboard motor:

24 (1) takes title free and clear of all liens and claims  
25 of ownership;

26 (2) shall receive a sales receipt from the law  
27 enforcement agency; and

1           (3) is entitled to register the motor vehicle,  
2 aircraft, watercraft, or outboard motor and receive a certificate  
3 of title.

4           SECTION 6. Sections 683.015(a) and (c), Transportation  
5 Code, are amended to read as follows:

6           (a) A law enforcement agency is entitled to reimbursement  
7 from the proceeds of the sale of an abandoned motor vehicle,  
8 aircraft, watercraft, or outboard motor for:

9                   (1) the cost of the auction;

10                   (2) towing, preservation, and storage fees resulting  
11 from the taking into custody; and

12                   (3) the cost of notice or publication as required by  
13 Section 683.012.

14           (c) After the period provided by Subsection (b), proceeds  
15 unclaimed by the owner or lienholder shall be deposited in an  
16 account that may be used for the payment of auction, towing,  
17 preservation, storage, and notice and publication fees resulting  
18 from taking other vehicles, aircraft, watercraft, or outboard  
19 motors into custody if the proceeds from the sale of the other items  
20 are insufficient to meet those fees.

21           SECTION 7. Section 683.071, Transportation Code, is amended  
22 to read as follows:

23           Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this  
24 subchapter, "junked vehicle" means a vehicle that:

25                   (1) is self-propelled; and~~+~~

26                   ~~[(1) does not have lawfully attached to it:~~

27                                 ~~[(A) an unexpired license plate; and~~

1                    [~~(B) a valid motor vehicle inspection~~  
2 ~~certificate; and]~~

3                    (2) is:

4                    (A) wrecked, dismantled or partially dismantled,  
5 or discarded; or

6                    (B) inoperable and has remained inoperable for  
7 more than:

8                    (i) 72 consecutive hours, if the vehicle is  
9 on public property; or

10                    (ii) 30 consecutive days, if the vehicle is  
11 on private property.

12                    (b) For purposes of this subchapter, "junked vehicle"  
13 includes a motor vehicle, aircraft, or watercraft. This subchapter  
14 applies only to:

15                    (1) a motor vehicle that does not have lawfully  
16 attached to it:

17                    (A) an unexpired license plate; and

18                    (B) a valid motor vehicle inspection  
19 certificate;

20                    (2) an aircraft that does not have lawfully printed on  
21 the aircraft an unexpired federal aircraft identification number  
22 registered under Federal Aviation Administration aircraft  
23 registration regulations in 14 C.F.R. Part 47; or

24                    (3) a watercraft that does not have lawfully on board  
25 an unexpired certificate of number.

26                    SECTION 8. Section 683.076(d), Transportation Code, is  
27 amended to read as follows:

1 (d) If the information is available at the location of the  
2 nuisance, a resolution or order requiring removal of the nuisance  
3 must include:

4 (1) for a motor vehicle, the vehicle's:

5 (A) [~~(1)~~] description;

6 (B) [~~(2)~~] vehicle identification number; and

7 (C) [~~(3)~~] license plate number;

8 (2) for an aircraft, the aircraft's:

9 (A) description; and

10 (B) federal aircraft identification number as  
11 described by Federal Aviation Administration aircraft registration  
12 regulations in 14 C.F.R. Part 47; and

13 (3) for a watercraft, the watercraft's:

14 (A) description; and

15 (B) identification number as set forth in the  
16 watercraft's certificate of number.

17 SECTION 9. This Act takes effect September 1, 2011.