

By: Williams  
(Harless)

S.B. No. 266

A BILL TO BE ENTITLED

AN ACT

relating to notice required in connection with possessory liens on motor vehicles.

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

SECTION 1. Subsections (a) and (h), Section 70.006, Property Code, are amended to read as follows:

(a) A holder of a lien under this subchapter or Chapter 59 on a motor vehicle subject to Chapter 501, Transportation Code, or on a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code, as amended, who retains possession of the motor vehicle, motorboat, vessel, or outboard motor shall~~[, not later than the 30th day after the date on which the charges accrue,]~~ give written notice to the owner and each holder of a lien recorded on the certificate of title. Not later than the 30th day after the date on which the charges accrue, a [A] holder of a possessory lien on a motor vehicle under Section 70.001, other than a person licensed as a franchised dealer under Chapter 2301, Occupations Code, shall file a copy of the notice and all information required by this section with the county tax assessor-collector's office in the county in which the repairs were made with an administrative fee of \$25 payable to the county tax assessor-collector. If the motor vehicle, motorboat, vessel, or outboard motor is registered outside this state, the holder of a lien under this subchapter who retains

1 possession during that period shall give notice to the last known  
2 registered owner and each lienholder of record.

3 (h) Not later than the 15th business [~~10th~~] day after the  
4 date the county tax assessor-collector receives notice under this  
5 section, the county tax assessor-collector shall provide a copy of  
6 the notice to the owner of the motor vehicle and each holder of a  
7 lien recorded on the certificate of title of the motor vehicle.  
8 Except as provided by this subsection, the county tax  
9 assessor-collector shall provide the notice required by this  
10 section in the same manner as a holder of a lien is required to  
11 provide a notice under this section, except that the county tax  
12 assessor-collector is not required to use certified mail. Notice  
13 under this section is required regardless of the date on which the  
14 charges on which the possessory lien is based accrued.

15 SECTION 2. (a) Subsection (a), Section 70.006, Property  
16 Code, as amended by this Act, applies only to charges that accrue on  
17 or after the effective date of this Act. Charges that accrue before  
18 the effective date of this Act are governed by the law applicable to  
19 the charges immediately before the effective date of this Act, and  
20 that law is continued in effect for that purpose.

21 (b) Subsection (h), Section 70.006, Property Code, as  
22 amended by this Act, applies only to notice received by a county tax  
23 assessor-collector on or after the effective date of this Act.  
24 Notice received by a county tax assessor-collector before the  
25 effective date of this Act is governed by the law in effect at the  
26 time notice was received, and that law is continued in effect for  
27 that purpose.

1 SECTION 3. This Act takes effect September 1, 2011.