

1-1 By: Williams S.B. No. 266  
1-2 (In the Senate - Filed December 15, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; April 13, 2011, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8, Nays  
1-6 0; April 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 266 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to notice required in connection with possessory liens on  
1-11 motor vehicles.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (a) and (h), Section 70.006,  
1-14 Property Code, are amended to read as follows:

1-15 (a) A holder of a lien under this subchapter or Chapter 59 on  
1-16 a motor vehicle subject to Chapter 501, Transportation Code, or on a  
1-17 motorboat, vessel, or outboard motor for which a certificate of  
1-18 title is required under Subchapter B, Chapter 31, Parks and  
1-19 Wildlife Code, as amended, who retains possession of the motor  
1-20 vehicle, motorboat, vessel, or outboard motor shall ~~not later~~  
1-21 ~~than the 30th day after the date on which the charges accrue,~~ give  
1-22 written notice to the owner and each holder of a lien recorded on  
1-23 the certificate of title. Not later than the 30th day after the  
1-24 date on which the charges accrue, a [A] holder of a possessory lien  
1-25 on a motor vehicle under Section 70.001, other than a person  
1-26 licensed as a franchised dealer under Chapter 2301, Occupations  
1-27 Code, shall file a copy of the notice and all information required  
1-28 by this section with the county tax assessor-collector's office in  
1-29 the county in which the repairs were made with an administrative fee  
1-30 of \$25 payable to the county tax assessor-collector. If the motor  
1-31 vehicle, motorboat, vessel, or outboard motor is registered outside  
1-32 this state, the holder of a lien under this subchapter who retains  
1-33 possession during that period shall give notice to the last known  
1-34 registered owner and each lienholder of record.

1-35 (h) Not later than the 15th business [10th] day after the  
1-36 date the county tax assessor-collector receives notice under this  
1-37 section, the county tax assessor-collector shall provide a copy of  
1-38 the notice to the owner of the motor vehicle and each holder of a  
1-39 lien recorded on the certificate of title of the motor vehicle.  
1-40 Except as provided by this subsection, the county tax  
1-41 assessor-collector shall provide the notice required by this  
1-42 section in the same manner as a holder of a lien is required to  
1-43 provide a notice under this section, except that the county tax  
1-44 assessor-collector is not required to use certified mail. Notice  
1-45 under this section is required regardless of the date on which the  
1-46 charges on which the possessory lien is based accrued.

1-47 SECTION 2. (a) Subsection (a), Section 70.006, Property  
1-48 Code, as amended by this Act, applies only to charges that accrue on  
1-49 or after the effective date of this Act. Charges that accrue before  
1-50 the effective date of this Act are governed by the law applicable to  
1-51 the charges immediately before the effective date of this Act, and  
1-52 that law is continued in effect for that purpose.

1-53 (b) Subsection (h), Section 70.006, Property Code, as  
1-54 amended by this Act, applies only to notice received by a county tax  
1-55 assessor-collector on or after the effective date of this Act.  
1-56 Notice received by a county tax assessor-collector before the  
1-57 effective date of this Act is governed by the law in effect at the  
1-58 time notice was received, and that law is continued in effect for  
1-59 that purpose.

1-60 SECTION 3. This Act takes effect September 1, 2011.

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