

By: Williams

S.B. No. 1036

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notice required in connection with possessory liens on
3 motor vehicles.

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

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

7 (a) A holder of a lien under this subchapter or Chapter 59 on
8 a motor vehicle subject to Chapter 501, Transportation Code, or on a
9 motorboat, vessel, or outboard motor for which a certificate of
10 title is required under Subchapter B, Chapter 31, Parks and
11 Wildlife Code, as amended, who retains possession of the motor
12 vehicle, motorboat, vessel, or outboard motor shall, not later than
13 the 30th day after the date on which the charges accrue, give
14 written notice to the owner and each holder of a lien recorded on
15 the certificate of title. A holder of a possessory lien on a motor
16 vehicle under Section 70.001, other than a person licensed as a
17 franchised dealer under Chapter 2301, Occupations Code, or the
18 holder of a garageman's lien under Section 70.003(c), including a
19 vehicle storage facility licensed under Chapter 2303, Occupations
20 Code, shall file a copy of the notice and all information required
21 by this section with the county tax assessor-collector's office in
22 the county in which the repairs were made or in which the garage or
23 licensed vehicle storage facility is located, as appropriate, with
24 an administrative fee of \$25 payable to the county tax

1 assessor-collector. If the motor vehicle, motorboat, vessel, or
2 outboard motor is registered outside this state, the holder of a
3 lien under this subchapter who retains possession during that
4 period shall give notice to the last known registered owner and each
5 lienholder of record.

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

17 SECTION 2. The change in law made by this Act applies only
18 to notice received by a county tax assessor-collector on or after
19 the effective date of this Act. Notice received by a county tax
20 assessor-collector before the effective date of this Act is
21 governed by the law in effect at the time notice was received, and
22 that law is continued in effect for that purpose.

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