

By: Williams

S.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

1
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. Sections 70.006(a) and (h), Property Code, are
6 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, or the holder of a self-service
17 storage facility lien on a motor vehicle under Chapter 59, other
18 than a person licensed as a franchised dealer under Chapter 2301,
19 Occupations Code, shall file a copy of the notice and all
20 information required by this section with the county tax
21 assessor-collector's office in the county in which the repairs were
22 made or in which the self-service storage facility is located, as
23 appropriate, with an administrative fee of \$25 payable to the
24 county tax assessor-collector. If the motor vehicle, motorboat,

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

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

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

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