

1-1 By: Williams S.B. No. 1036
1-2 (In the Senate - Filed March 1, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 29, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 29, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1036 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 than
1-21 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. A holder of a possessory lien on a motor
1-24 vehicle under Section 70.001, other than a person licensed as a
1-25 franchised dealer under Chapter 2301, Occupations Code, or the
1-26 holder of a garageman's lien under Section 70.003(c), including a
1-27 vehicle storage facility licensed under Chapter 2303, Occupations
1-28 Code, shall file a copy of the notice and all information required
1-29 by this section with the county tax assessor-collector's office in
1-30 the county in which the repairs were made or in which the garage or
1-31 licensed vehicle storage facility is located, as appropriate, with
1-32 an administrative fee of \$25 payable to the county tax
1-33 assessor-collector. If the motor vehicle, motorboat, vessel, or
1-34 outboard motor is registered outside this state, the holder of a
1-35 lien under this subchapter who retains possession during that
1-36 period shall give notice to the last known registered owner and each
1-37 lienholder of record.

1-38 (h) Not later than the 15th business [~~10th~~] day after the
1-39 date the county tax assessor-collector receives notice under this
1-40 section, the county tax assessor-collector shall provide a copy of
1-41 the notice to the owner of the motor vehicle and each holder of a
1-42 lien recorded on the certificate of title of the motor
1-43 vehicle. Except as provided by this subsection, the county tax
1-44 assessor-collector shall provide the notice required by this
1-45 section in the same manner as a holder of a lien is required to
1-46 provide a notice under this section. Notice under this section is
1-47 required regardless of the date on which the charges on which the
1-48 possessory lien is based accrued.

1-49 SECTION 2. The change in law made by this Act applies only
1-50 to notice received by a county tax assessor-collector on or after
1-51 the effective date of this Act. Notice received by a county tax
1-52 assessor-collector before the effective date of this Act is
1-53 governed by the law in effect at the time notice was received, and
1-54 that law is continued in effect for that purpose.

1-55 SECTION 3. This Act takes effect September 1, 2011.

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