

BILL ANALYSIS

C.S.S.B. 1053
By: Carona
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When regulatory authority over vehicle storage under the Vehicle Storage Facility Act was transferred from the Texas Department of Transportation (TxDOT) to the Texas Department of Licensing and Regulation (TDLR) several years ago, a reference to TxDOT's licensing program was not revised to reflect the program's transfer to TDLR.

C.S.S.B. 1053 amends current law relating to the content of a notice provided to an owner or lienholder of a vehicle towed to a vehicle storage facility to update certain references to the applicable state agency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1053 amends the Occupations Code to clarify that the notice required to be provided by mail to the vehicle owner or lienholder of a vehicle towed to a vehicle storage facility must include the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number," or "TDLR VSF Lic. No.," rather than "Texas Department of Transportation Vehicle Storage Facility License Number." The bill replaces a reference to the Texas Department of Transportation with a reference to the Texas Department of Motor Vehicles in the requirement for a parking facility owner to notify the owner or operator of a vehicle that has been left unattended in the parking facility in an unauthorized manner that the parking facility owner is having the vehicle removed and stored at a vehicle storage facility, which the parking facility owner must do by mailing the required notice to the last address shown for the vehicle's owner according to the department's vehicle registration records.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1053 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subsection (a), Section 2303.153, Occupations Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version except for recitation.

83R 26979

13.123.430

Substitute Document Number: 83R 25379

No equivalent provision.

SECTION 2. Section 2308.252(b), Occupations Code, is amended to read as follows:

(b) A parking facility owner is considered to have given notice under Subsection (a)(3) if:

(1) a conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

(A) that the vehicle is in a parking space in which the vehicle is not authorized to be parked;

(B) a description of all other unauthorized areas in the parking facility;

(C) that the vehicle will be towed at the expense of the owner or operator of the vehicle if it remains in an unauthorized area of the parking facility; and

(D) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(2) a notice is mailed after the notice is attached to the vehicle as provided by Subdivision (1) to the owner of the vehicle by certified mail, return receipt requested, to the last address shown for the owner according to the vehicle registration records of the Texas Department of Motor Vehicles [~~Transportation~~], or if the vehicle is registered in another state, the appropriate agency of that state.

SECTION 2. The changes in law made by this Act apply only to a notice mailed on or after September 1, 2013. A notice mailed before September 1, 2013, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.