

By: Elkins

H.B. No. 2690

A BILL TO BE ENTITLED

AN ACT

relating to the sale of a vehicle by an unlicensed seller; creating an offense.

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

SECTION 1. Subchapter D, Chapter 503, Transportation Code, is amended by adding Section 503.096 to read as follows:

Sec. 503.096. TOWING OF VEHICLES. (a) If a person is engaged in business as a dealer in violation of Section 503.021, a peace officer may cause a vehicle that is being offered for sale by the person to be towed from the location where the vehicle is being offered for sale and stored at a vehicle storage facility, as defined by Section 2308.002, Occupations Code.

(b) A peace officer may cause the vehicle to be towed under Subsection (a) only if:

(1) the peace officer has a probable cause that the vehicle is being offered for sale by a person engaged in business as a dealer in violation of Section 503.021;

(2) the peace officer has complied with the notice requirements under Subsection (c); and

(3) the notice under Subsection (c) was attached to the vehicle not less than two hours before the vehicle is caused to be towed.

(c) Before a vehicle may be towed under Subsection (a), a peace officer, an appropriate local government employee, or an

1 investigator employed by the department must attach a conspicuous
2 notice to the vehicle's front windshield or, if the vehicle has no
3 front windshield, to a conspicuous part of the vehicle stating:

4 (1) the make and model of the vehicle and the license
5 plate number and vehicle identification number of the vehicle, if
6 any;

7 (2) the date and time that the notice was affixed to
8 the vehicle;

9 (3) that the vehicle is being offered for sale in
10 violation of Section 503.021;

11 (4) that the vehicle and any property on or in the
12 vehicle may be towed and stored at the expense of the owner of the
13 vehicle not less than two hours after the notice is attached to the
14 vehicle if the vehicle remains parked at the location; and

15 (5) the name, address, and telephone number of the
16 vehicle storage facility where the vehicle will be towed.

17 (d) If a vehicle is towed under Subsection (a), the peace
18 officer who caused the vehicle to be towed shall, not later than 48
19 hours after the vehicle was towed, mail a written notice to the last
20 known address of the vehicle's registered owner and lienholders, as
21 shown by the department's records. If it is determined that the
22 owner of the vehicle is a resident of another jurisdiction, the
23 notice shall be sent to the agency responsible for vehicle titles
24 and registration in that jurisdiction. Written notice under this
25 subsection must:

26 (1) include the make and model of the vehicle and the
27 license plate number and vehicle identification number of the

1 vehicle, if any;

2 (2) include the date and time that the vehicle was
3 towed and the location from which the vehicle was towed;

4 (3) state that the vehicle was being offered for sale
5 in violation of Section 503.021;

6 (4) state that the vehicle was towed and is being
7 stored at the expense of the owner of the vehicle; and

8 (5) include the name, address, and telephone number of
9 the vehicle storage facility where the vehicle was towed and is
10 being stored.

11 (e) Once notice has been attached to a vehicle under
12 Subsection (c), a peace officer may prevent the vehicle from being
13 removed by a person unless the person provides evidence of
14 ownership in the person's name or written authorization from the
15 owner of the vehicle for the person to offer the vehicle for sale in
16 a manner other than by consignment.

17 SECTION 2. This Act takes effect September 1, 2013.