

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) Once notice has been attached to a vehicle under
18 Subsection (c), a peace officer may prevent the vehicle from being
19 removed by a person unless the person provides evidence of
20 ownership in the person's name or written authorization from the
21 owner of the vehicle for the person to offer the vehicle for sale in
22 a manner other than by consignment.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2690 was passed by the House on May 10, 2013, by the following vote: Yeas 116, Nays 20, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2690 on May 23, 2013, by the following vote: Yeas 109, Nays 37, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2690 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor