

By: Elkins

H.B. No. 2690

Substitute the following for H.B. No. 2690:

By: Smith

C.S.H.B. No. 2690

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sale of a vehicle by an unlicensed seller; creating
3 an offense.

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

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

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

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

15 (1) the peace officer has a reasonable suspicion that
16 the vehicle is being offered for sale by a person engaged in
17 business as a dealer in violation of Section 503.021;

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

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

23 (c) Before causing a vehicle to be towed under Subsection
24 (a), the peace officer must attach a conspicuous notice to the

1 vehicle's front windshield or, if the vehicle has no front
2 windshield, to a conspicuous part of the vehicle stating:

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

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

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

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

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

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

25 (1) include the make and model of the vehicle and the
26 license plate number and vehicle identification number of the
27 vehicle, if any;

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

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

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

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

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

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