

By: Elkins

H.B. No. 2690

A BILL TO BE ENTITLED

AN ACT

relating to the sale of a motor vehicle by an unlicensed seller.

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

SECTION 1. Chapter 728, Transportation Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. SALE OF MOTOR VEHICLES BY UNLICENSED SELLERS

Sec. 728.031. AUTHORIZED SELLERS; AUTHORIZED SALES LOCATIONS. (a) In this section, "authorized seller" means:

(1) the owner of a motor vehicle;

(2) the owner's:

(A) spouse;

(B) parent or stepparent;

(C) grandparent or grandchild;

(D) child or stepchild;

(E) sibling; or

(F) guardian; or

(3) a decedent's estate.

(b) Except as provided by Subsection (f)(4), a person may not sell or offer for sale a motor vehicle unless the person is an authorized seller.

(c) Except as provided by Subsection (f), a person may not park a motor vehicle on public or private property with an indication that the vehicle is for sale displayed on the vehicle.

(d) Except as provided by Subsection (e), a motor vehicle

1 that is parked in violation of Subsection (c) may be removed:

2 (1) immediately if parked on public property; or

3 (2) two hours after notice under Section 728.032 has  
4 been posted on the vehicle if parked on private property.

5 (e) A peace officer who requires a vehicle to be removed  
6 under this section shall first attempt to contact the person whose  
7 contact information is displayed on the vehicle. If the peace  
8 officer contacts the person, the peace officer must give the person  
9 one hour to provide evidence that the person is an authorized seller  
10 and remove the vehicle from the location. If the peace officer is  
11 unable to contact the person, or the person is unable to present  
12 evidence that the person is an authorized seller, the peace officer  
13 shall cause the vehicle and any property on or in the vehicle to be  
14 removed and stored at a vehicle storage facility in accordance with  
15 Chapter 2308, Occupations Code.

16 (f) This section does not apply to:

17 (1) a single motor vehicle that is legally parked on  
18 the premises of the authorized seller's residence, or in the  
19 right-of-way immediately adjacent to the authorized seller's  
20 residence;

21 (2) a motor vehicle that is parked on public or private  
22 property adjacent to a building or location where the authorized  
23 seller traveled in the normal course of business, including a  
24 building or location where the authorized seller is employed;

25 (3) a motor vehicle that is parked on private property  
26 that has a notarized statement from the property owner displayed on  
27 the windshield or other conspicuous place on the motor vehicle,

1 with the name, address, and telephone number of the property owner,  
2 authorizing the vehicle to be sold on the property; or

3 (4) a dealer who holds a current general  
4 distinguishing number issued under Chapter 503 and who is offering  
5 a motor vehicle for sale at the location for which the general  
6 distinguishing number is issued.

7 Sec. 728.032. NOTICE PROCEDURES. A peace officer may,  
8 without the consent of the owner of a motor vehicle parked on  
9 private property in violation of Section 728.031, cause the vehicle  
10 and any property on or in the vehicle to be removed and stored at a  
11 vehicle storage facility at the vehicle owner's expense if:

12 (1) the peace officer has mailed actual notice to the  
13 owner of the motor vehicle that the vehicle is in violation of  
14 Section 728.031 and that the vehicle will be towed and stored at the  
15 vehicle owner's expense if it is not removed; or

16 (2) the peace officer has attached a conspicuous  
17 notice on the motor vehicle's front windshield or, if the vehicle  
18 has no front windshield, to a conspicuous part of the vehicle:

19 (A) stating that the motor vehicle is parked in  
20 violation of Section 728.031;

21 (B) stating that the motor vehicle will be towed  
22 and stored at the expense of the owner of the vehicle not before two  
23 hours after the notice is attached to the vehicle; and

24 (C) listing a telephone number that is answered  
25 24 hours a day to enable the owner or operator of the vehicle to  
26 locate the vehicle.

27 Sec. 728.033. PROCEDURES FOR TOWING. All towing conducted

1 under this subchapter must be performed in accordance with Chapter  
2 2308, Occupations Code.

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