

1-1 By: Elkins (Senate Sponsor - Ellis) H.B. No. 2690
 1-2 (In the Senate - Received from the House May 10, 2013;
 1-3 May 10, 2013, read first time and referred to Committee on
 1-4 Transportation; May 17, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2690 By: Ellis

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the sale of a vehicle by an unlicensed seller; creating
 1-22 an offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter D, Chapter 503, Transportation Code,
 1-25 is amended by adding Section 503.096 to read as follows:

1-26 Sec. 503.096. TOWING OF VEHICLES. (a) If a person is
 1-27 engaged in business as a dealer in violation of Section 503.021, a
 1-28 peace officer may cause a vehicle that is being offered for sale by
 1-29 the person to be towed from the location where the vehicle is being
 1-30 offered for sale and stored at a vehicle storage facility, as
 1-31 defined by Section 2308.002, Occupations Code.

1-32 (b) A peace officer may cause the vehicle to be towed under
 1-33 Subsection (a) only if:

1-34 (1) the peace officer has a probable cause that the
 1-35 vehicle is being offered for sale by a person engaged in business as
 1-36 a dealer in violation of Section 503.021;

1-37 (2) the peace officer has complied with the notice
 1-38 requirements under Subsection (c); and

1-39 (3) the notice under Subsection (c) was attached to
 1-40 the vehicle not less than two hours before the vehicle is caused to
 1-41 be towed.

1-42 (c) Before a vehicle may be towed under Subsection (a), a
 1-43 peace officer, an appropriate local government employee, or an
 1-44 investigator employed by the department must attach a conspicuous
 1-45 notice to the vehicle's front windshield or, if the vehicle has no
 1-46 front windshield, to a conspicuous part of the vehicle stating:

1-47 (1) the make and model of the vehicle and the license
 1-48 plate number and vehicle identification number of the vehicle, if
 1-49 any;

1-50 (2) the date and time that the notice was affixed to
 1-51 the vehicle;

1-52 (3) that the vehicle is being offered for sale in
 1-53 violation of Section 503.021;

1-54 (4) that the vehicle and any property on or in the
 1-55 vehicle may be towed and stored at the expense of the owner of the
 1-56 vehicle not less than two hours after the notice is attached to the
 1-57 vehicle if the vehicle remains parked at the location; and

1-58 (5) the name, address, and telephone number of the
 1-59 vehicle storage facility where the vehicle will be towed.

1-60 (d) Once notice has been attached to a vehicle under

2-1 Subsection (c), a peace officer may prevent the vehicle from being
2-2 removed by a person unless the person provides evidence of
2-3 ownership in the person's name or written authorization from the
2-4 owner of the vehicle for the person to offer the vehicle for sale in
2-5 a manner other than by consignment.

2-6 SECTION 2. This Act takes effect September 1, 2013.

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