

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

**ADOPTED**

SEP 21 2015

*Atty Gen*  
Secretary of the Senate

By: Rodney Ellis  
Substitute the following for H.B. No. 2690:

H.B. No. 2690

By: Ellis

C.S. H.B. No. 2690

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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 probable cause that the  
16 vehicle is being offered for sale by a person engaged in business as  
17 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 a vehicle may be towed under Subsection (a), a  
24 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.

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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.

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 21, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB2690** by Elkins (Relating to the sale of a vehicle by an unlicensed seller; creating an offense.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 503 of the Transportation Code to authorize a peace officer to have a vehicle that is for sale by a dealer that does not have a "Dealer General Distinguishing Number" towed from the location and stored at a vehicle storage facility if certain conditions are met. A peace officer, an appropriate local government employee, or an investigator would be required to comply with specified notice requirements. A peace officer would be allowed to prevent a person from removing a vehicle unless that individual provides evidence of ownership.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, SD, AG, TP, RB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 17, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2690** by Elkins (Relating to the sale of a vehicle by an unlicensed seller; creating an offense.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 503 of the Transportation Code to authorize a peace officer to have a vehicle that is for sale by a dealer that does not have a "Dealer General Distinguishing Number" towed from the location and stored at a vehicle storage facility if certain conditions are met. A peace officer, an appropriate local government employee, or an investigator would be required to comply with specified notice requirements. A peace officer would be allowed to prevent a person from removing a vehicle unless that individual provides evidence of ownership.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, TP, RB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2690** by Elkins (Relating to the sale of a vehicle by an unlicensed seller; creating an offense.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 503 of the Transportation Code to authorize a peace officer to have a vehicle that is for sale by a dealer that does not have a "Dealer General Distinguishing Number" towed from the location and stored at a vehicle storage facility if certain conditions are met. The peace officer would be required to mail a written notice to the last known address of the vehicle's registered owner or lien holder within 48 hours. A peace officer would be allowed to prevent a person from removing a vehicle unless that individual provides evidence of ownership.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, TP, RB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 17, 2013**

**TO:** Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2690** by Elkins (Relating to the sale of a vehicle by an unlicensed seller; creating an offense.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 503 of the Transportation Code to authorize a peace officer to have a vehicle that is for sale by a dealer that does not have a "Dealer General Distinguishing Number" towed from the location and stored at a vehicle storage facility if certain conditions are met. The peace officer would be required to mail a written notice to the last known address of the vehicle's registered owner or lien holder within 48 hours. A peace officer would be allowed to prevent a person from removing a vehicle unless that individual provides evidence of ownership.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, RB, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 8, 2013**

**TO:** Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2690** by Elkins (Relating to the sale of a motor vehicle by an unlicensed seller.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code related to the sale of a motor vehicle by an unlicensed seller and would include procedures for a peace officer who requires a vehicle to be removed if the vehicle is illegally parked. A peace officer may remove and store a vehicle that is illegally parked without notice and at the owner's expense.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, RB, TP