

By: Oliveira, Harless

H.B. No. 2076

A BILL TO BE ENTITLED

1 AN ACT

2 relating to notice requirements and other procedures relating to
3 the possession or sale of a motor vehicle, motorboat, vessel, or
4 outboard motor by a possessory lienholder.

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

6 SECTION 1. Sections 70.006(e), (f), (g), and (h), Property
7 Code, are amended to read as follows:

8 (e) After notice is given under this section to the owner of
9 or the holder of a lien on the motor vehicle, motorboat, vessel, or
10 outboard motor, the owner or holder of the lien may obtain
11 possession of the motor vehicle, motorboat, vessel, or outboard
12 motor by paying all charges due to the holder of a lien under this
13 subchapter before the 31st day after the date a copy of the notice
14 is filed with the county tax assessor-collector's office [~~the~~
15 ~~notice is mailed or published as provided by this section~~].

16 (f) If the charges are not paid before the 31st day after the
17 date that a copy of the notice required by Subsection (a) is filed
18 with the county tax assessor-collector's office [~~day that the~~
19 ~~notice is mailed or published, as applicable~~], the lienholder may
20 sell the motor vehicle, motorboat, vessel, or outboard motor at a
21 public sale and apply the proceeds to the charges. The lienholder
22 shall pay excess proceeds to the person entitled to them. The public
23 sale may not take place before the 31st day after the date a copy of
24 the notice is filed with the county tax assessor-collector's

1 office.

2 (g) After providing notice in accordance with this section,
3 a holder of a possessory lien on a motor vehicle under Section
4 70.001, other than a person licensed as a franchised dealer under
5 Chapter 2301, Occupations Code, shall, on request, [~~not later than~~
6 ~~the 30th day after the date on which the charges accrue, make~~
7 ~~commercially reasonable efforts to~~] allow an owner and each
8 lienholder of record to inspect or arrange an inspection of the
9 motor vehicle by a qualified professional to verify that the
10 repairs were made. The inspection must be completed before the date
11 of the public sale authorized by Subsection (f).

12 (h) Not later than the 15th business day after the date the
13 county tax assessor-collector receives notice under this section,
14 the county tax assessor-collector shall provide a copy of the
15 notice that indicates the date the notice was filed with the county
16 tax assessor-collector to the owner of the motor vehicle and each
17 holder of a lien recorded on the certificate of title of the motor
18 vehicle. Except as provided by this subsection, the county tax
19 assessor-collector shall provide the notice required by this
20 section in the same manner as a holder of a lien is required to
21 provide a notice under this section, except that the county tax
22 assessor-collector is not required to use certified mail. Notice
23 under this section is required regardless of the date on which the
24 charges on which the possessory lien is based accrued.

25 SECTION 2. (a) Sections 70.006(e), (f), and (h), Property
26 Code, as amended by this Act, apply only to a notice required under
27 Section 70.006(a), Property Code, provided on or after the

1 effective date of this Act. A notice provided before the effective
2 date of this Act is governed by the law as it existed immediately
3 before the effective date of this Act, and that law is continued in
4 effect for that purpose.

5 (b) Section 70.006(g), Property Code, as amended by this
6 Act, applies only to a sale of a motor vehicle, motorboat, vessel,
7 or outboard motor for which the notice required under Section
8 70.006(a), Property Code, is provided on or after the effective
9 date of this Act. A sale for which the notice required under Section
10 70.006(a), Property Code, is provided before the effective date of
11 this Act is governed by the law as it existed immediately before the
12 effective date of this Act, and that law is continued in effect for
13 that purpose.

14 SECTION 3. This Act takes effect September 1, 2015.