

By: Oliveira

H.B. No. 2076

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of a motor vehicle, motorboat, vessel, or  
3 outboard motor by a possessory lienholder.

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

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

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

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

1           (h) Not later than the 15th business day after the date the  
2 county tax assessor-collector receives notice under this section,  
3 the county tax assessor-collector shall provide a copy of the  
4 notice that indicates the date the notice was filed with the county  
5 tax assessor-collector to the owner of the motor vehicle and each  
6 holder of a lien recorded on the certificate of title of the motor  
7 vehicle. Except as provided by this subsection, the county tax  
8 assessor-collector shall provide the notice required by this  
9 section in the same manner as a holder of a lien is required to  
10 provide a notice under this section, except that the county tax  
11 assessor-collector is not required to use certified mail. Notice  
12 under this section is required regardless of the date on which the  
13 charges on which the possessory lien is based accrued.

14           SECTION 2. Section 70.006, Property Code, as amended by  
15 this Act, applies only to the sale of a motor vehicle, motorboat,  
16 vessel, or outboard motor on or after the effective date of this  
17 Act. The sale of a motor vehicle, motorboat, vessel, or outboard  
18 motor before the effective date of this Act is governed by the law  
19 as it existed immediately before the effective date of this Act, and  
20 that law is continued in effect for that purpose.

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