

By: Thompson of Harris

H.B. No. 3131

A BILL TO BE ENTITLED

AN ACT

relating to notice and sale of abandoned vehicles by vehicle storage facilities.

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

SECTION 1. Section 2303.154, Occupations Code, is amended to read as follows:

(a) If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and send notice of abandonment to a law enforcement agency under Chapter 683, Transportation Code.

~~[(a) If a vehicle is not claimed by a person permitted to claim the vehicle or a law enforcement agency has not taken an action in response to a notice under Section 683.031(c), Transportation Code, before the 15th day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall send a second notice to the registered owner and the primary lienholder of the vehicle.]~~

(a-1) If a law enforcement agency will not accept notice of abandonment from the vehicle storage facility or will not accept payment as specified in Chapter 683.034 of the Transportation Code then the vehicle storage facility shall assume the responsibility of notice in Chapter 683.012.

1 (b) Notice under Subsection (a-1) [~~this section~~] must  
2 include:

3 (1) the information listed in Section 2303.153(a);

4 (2) a statement of the right of the facility to dispose  
5 of the vehicle under Section 2303.157; and

6 (3) a statement that the failure of the owner or  
7 lienholder to claim the vehicle before the 30th day after the date  
8 the notice is provided is:

9 (A) a waiver by that person of all right, title,  
10 or interest in the vehicle; and

11 (B) a consent to the sale of the vehicle at a  
12 public sale.

13 SECTION 2. Section 683.001, Transportation Code, is amended  
14 to read as follows:

15 Sec. 683.001. DEFINITIONS. In this chapter:

16 (1) "Department" means the Texas Department of Motor  
17 Vehicles.

18 (2) "Garagekeeper" means an owner or operator of a  
19 storage facility or vehicle storage facility.

20 (3) "Law enforcement agency" means:

21 (A) the Department of Public Safety;

22 (B) the police department of a municipality;

23 (C) the police department of an institution of  
24 higher education; or

25 (D) a sheriff or a constable.

26 (4) "Motor vehicle" means a vehicle that is subject to  
27 registration under Chapter 501.

1           (5) "Motor vehicle demolisher" means a person in the  
2 business of:

3                   (A) converting motor vehicles into processed  
4 scrap or scrap metal; or

5                   (B) wrecking or dismantling motor vehicles.

6           (6) "Outboard motor" means an outboard motor subject  
7 to registration under Chapter 31, Parks and Wildlife Code.

8           (7) "Storage facility" includes a garage, parking lot,  
9 or establishment for the servicing, repairing, or parking of motor  
10 vehicles.

11           (8) "Watercraft" means a vessel subject to  
12 registration under Chapter 31, Parks and Wildlife Code.

13           (9) "Abandoned nuisance vehicle" means a motor vehicle  
14 that is at least 10 years old and is of a condition only to be  
15 junked, crushed, or dismantled.

16           (10) "Vehicle storage facility" means a vehicle  
17 storage facility, as defined by Section [2303.002](#), Occupations Code,  
18 that is operated by a person who holds a license issued under  
19 Chapter 2303 of that code to operate that vehicle storage facility.

20           (11) "Aircraft" has the meaning assigned by Section  
21 [24.001](#).

22           SECTION 3. Section [683.003](#), Transportation Code, is amended  
23 to read as follows:

24           (a) Sections 683.051-683.055 may not be read as conflicting  
25 with Sections 683.074-683.078.

26           (b) This chapter does not affect a law authorizing the  
27 immediate removal of a vehicle left on public property that is an

1 obstruction to traffic.

2 (c) The chapter may not be read as conflicting with Chapter  
3 2303, Occupations Code.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.