

1 AN ACT

2 relating to the repossession of an aircraft.

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

4 SECTION 1. Title 4, Property Code, is amended by adding
5 Chapter 30 to read as follows:

6 CHAPTER 30. WRIT OF ASSISTANCE FOR REPOSSESSION OF AIRCRAFT

7 Sec. 30.01. DEFINITIONS. In this chapter:

8 (1) "Aircraft" means a self-propelled motor vehicle
9 that can be used to transport a person by flight in the air.

10 (2) "Repossession" means the recovery of an aircraft
11 that has been sold under a security agreement containing a
12 repossession clause authorizing the lender to recover the aircraft
13 if the borrower defaults under the agreement.

14 (3) "Repossession agent" means an individual who is
15 authorized to engage in a repossession for a lender.

16 Sec. 30.02. WRIT OF ASSISTANCE FOR REPOSSESSION OF
17 AIRCRAFT. (a) A writ of assistance for the repossession of an
18 aircraft authorizes a peace officer to assist and protect a
19 repossession agent in gaining possession of the aircraft while the
20 agent:

21 (1) secures the aircraft on site; or

22 (2) prepares the aircraft, which may include a
23 mechanical inspection, for removal from the site by flight or
24 otherwise to another location.

1 (b) A writ of assistance for the repossession of an aircraft
2 is valid for 30 days.

3 (c) A justice court may grant unlimited extensions of a writ
4 of assistance issued under this chapter.

5 Sec. 30.03. PETITION FOR WRIT OF ASSISTANCE. (a) A
6 repossession agent may file a petition in a justice court for a writ
7 of assistance for the repossession of an aircraft.

8 (b) The repossession agent is entitled to the writ if the
9 repossession agent establishes that:

10 (1) the aircraft is subject to the proposed
11 repossession; and

12 (2) the repossession agent is authorized to engage in
13 the repossession.

14 (c) The petition for the writ must include a copy of:

15 (1) the security agreement relating to the aircraft;
16 (2) the notice of default under the security agreement
17 sent by the lender to the borrower;

18 (3) the instrument in which a power of attorney for the
19 repossession is granted to the repossession agent by the lender;
20 and

21 (4) the results of a title search of the Federal
22 Aviation Administration's records for the aircraft.

23 SECTION 2. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 3901 was passed by the House on May 8, 2015, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3901 was passed by the Senate on May 27, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor