

House Bill 2076
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

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

(f) If the charges are not paid before the 31st day after the date that a copy of the notice required by Subsection (a) is filed with the county tax assessor-collector's office [~~day that the notice is mailed or published, as applicable~~], the lienholder

SENATE VERSION (CS)

SECTION 1. Section 70.001, Property Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Except as provided by Subsection (b), a lien provided by this section on a motor vehicle, motorboat, vessel, or outboard motor is released when a worker:

(1) receives good and sufficient payment of the amounts due under Subsection (a) and, if applicable, Subsection (d); or

(2) relinquishes possession of the motor vehicle, motorboat, vessel, or outboard motor.

(b-2) A worker's right to possession under this section may not be assigned to a third party in return for payment of any amount due under Subsection (a) or (d).

SECTION 2. Effective September 1, 2015, Sections 70.006(e), (f), (g), and (h), Property Code, are amended to read as follows:

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

(f) If the charges are not paid before the 31st day after the date that a copy of the notice required by Subsection (a) is filed with the county tax assessor-collector's office [day that the notice is mailed or published, as applicable], the lienholder

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may sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges. The lienholder shall pay excess proceeds to the person entitled to them. The public sale may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.

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

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

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may sell the motor vehicle, motorboat, vessel, or outboard motor at a public sale and apply the proceeds to the charges. The lienholder shall pay excess proceeds to the person entitled to them. The public sale may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.

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

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

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possessory lien is based accrued.

SECTION 2. (a) Sections 70.006(e), (f), and (h), Property Code, as amended by this Act, apply only to a notice required under Section 70.006(a), Property Code, provided on or after the effective date of this Act. A notice provided before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

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

SENATE VERSION (CS)

possessory lien is based accrued.

SECTION 3. (a) Sections 70.006(e), (f), and (h), Property Code, as amended by this Act, apply only to a notice required under Section 70.006(a), Property Code, provided on or after September 1, 2015. A notice provided before September 1, 2015, is governed by the law as it existed immediately before September 1, 2015, and that law is continued in effect for that purpose.

(b) Section 70.006(g), Property Code, as amended by this Act, applies only to a sale of a motor vehicle, motorboat, vessel, or outboard motor for which the notice required under Section 70.006(a), Property Code, is provided on or after September 1, 2015. A sale for which the notice required under Section 70.006(a), Property Code, is provided before September 1, 2015, is governed by the law as it existed immediately before September 1, 2015, and that law is continued in effect for that purpose.

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

CONFERENCE