

By: Pickett

H.B. No. 1247

Substitute the following for H.B. No. 1247:

By: Kuempel

C.S.H.B. No. 1247

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice provided to vehicle owners and lienholders by
3 operators of vehicle storage facilities.

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

5 SECTION 1. Section 2303.151, Occupations Code, is amended
6 by adding Subsections (b-1) and (b-2) to read as follows:

7 (b-1) The operator of a vehicle storage facility shall send
8 a written notice required under Subsection (b) to an address
9 obtained, by mail or electronically, either:

10 (1) directly from the governmental entity responsible
11 for maintaining the motor vehicle title and registration database
12 for the state in which the vehicle is registered; or

13 (2) from a private entity authorized by that
14 governmental entity to obtain title, registration, and lienholder
15 information using a single vehicle identification number inquiry
16 submitted through a secure access portal to the governmental
17 entity's motor vehicle records.

18 (b-2) An address obtained electronically from a
19 governmental entity under Subsection (b-1)(1) must be obtained
20 through the governmental entity's secure access portal.

21 SECTION 2. Section 2303.152, Occupations Code, is amended
22 by amending Subsections (a) and (b) and adding Subsection (b-1) to
23 read as follows:

24 (a) Notice to the registered owner and the primary

1 lienholder of a vehicle towed to a vehicle storage facility may be
2 provided by publication in a newspaper of general circulation in
3 the county in which the vehicle is stored if:

- 4 (1) the vehicle is registered in another state;
- 5 (2) the operator of the storage facility submits to
6 the governmental entity responsible for maintaining the motor
7 vehicle title and registration database for the state in which the
8 vehicle is registered [~~with which the vehicle is registered~~] a
9 [~~written~~] request for information relating to the identity of the
10 registered owner and any lienholder of record that is either:

- 11 (A) written; or
- 12 (B) electronic, through the governmental
13 entity's secure access portal;

14 (3) the identity of the registered owner cannot be
15 determined;

16 (4) the registration does not contain an address for
17 the registered owner; or

18 (5) the operator of the storage facility cannot
19 reasonably determine the identity and address of each lienholder.

20 (b) A [~~The~~] written request under Subsection (a)(2)(A)
21 must:

- 22 (1) be correctly addressed;
- 23 (2) carry sufficient postage; and
- 24 (3) be sent by certified mail, return receipt
25 requested, or electronic certified mail.

26 (b-1) An electronic request under Subsection (a)(2)(B) must
27 be submitted either:

1 (1) directly to the governmental entity through the
2 governmental entity's secure access portal; or

3 (2) to a private entity authorized by the governmental
4 entity to obtain title, registration, and lienholder information
5 using a single vehicle identification number inquiry submitted
6 through a secure access portal to the governmental entity's motor
7 vehicle records.

8 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is
9 amended by adding Section 2303.1521 to read as follows:

10 Sec. 2303.1521. CERTAIN VEHICLES WITH STATE OF REGISTRATION
11 UNKNOWN. (a) An operator of a vehicle storage facility who
12 receives a motor vehicle as defined by Section 501.002(17)(A),
13 Transportation Code, and does not know the state in which the
14 vehicle is registered may give notice by publication under Section
15 2303.152 only if the operator:

16 (1) obtains, using the motor vehicle's vehicle
17 identification number, by mail or electronically, a report from the
18 National Motor Vehicle Title Information System operated by the
19 United States Department of Justice, or a successor system, showing
20 the state in which the motor vehicle is titled; and

21 (2) either:

22 (A) is unable to determine from the report the
23 governmental entity that is responsible for maintaining the
24 registration information for the motor vehicle; or

25 (B) attempts to and is unable to obtain, from the
26 governmental entity indicated in the report, the identity and
27 address of any registered owner and any lienholder.

1 (b) An operator who attempts to obtain owner and lienholder
2 information under Subsection (a)(2) must attempt to obtain the
3 information, by mail or electronically, either:

4 (1) directly from the governmental entity; or

5 (2) from a private entity authorized by the
6 governmental entity to obtain title, registration, and lienholder
7 information using a single vehicle identification number inquiry
8 submitted through a secure access portal to the governmental
9 entity's motor vehicle records.

10 (c) An address obtained electronically from a governmental
11 entity under Subsection (b)(1) must be obtained through the
12 governmental entity's secure access portal.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.