By:  Creighton S.B. No. 1185

(In the Senate - Filed February 26, 2019; March 7, 2019, read first time and referred to Committee on Business & Commerce; May 16, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 16, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton                      X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire                       X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 1185 By:  Nichols

A BILL TO BE ENTITLED

AN ACT

relating to the towing of certain property from a self-service storage facility for disposition by a vehicle storage facility.

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

SECTION 1.  Section 59.001, Property Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a)  "Vehicle storage facility" has the meaning assigned by Section 2303.002, Occupations Code.

SECTION 2.  Section 59.043(a), Property Code, is amended to read as follows:

(a)  The lessor's notice to the tenant of the claim must contain:

(1)  an itemized account of the claim;

(2)  the name, address, and telephone number of the lessor or the lessor's agent;

(3)  a statement that the contents of the self-service storage facility have been seized under the contractual landlord's lien;

(4)  a statement that if the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered, the property may be, as applicable:

(A)  sold at public auction under this subchapter; or

(B)  towed to a vehicle storage facility and disposed of by the vehicle storage facility under Subchapter D, Chapter 2303, Occupations Code; and

(5)  a statement underlined or printed in conspicuous bold print requesting a tenant who is in military service to notify the lessor of the status of the tenant's current military service immediately.

SECTION 3.  Chapter 59, Property Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TOWING OF CERTAIN PROPERTY TO VEHICLE STORAGE FACILITY

Sec. 59.051.  APPLICABILITY. This subchapter applies only to property that is:

(1)  a motor vehicle, trailer, or semitrailer for which a title or registration is required under Chapter 501 or 502, Transportation Code;

(2)  a motorboat, vessel, or outboard motor for which a certificate of title is required under Subchapter B, Chapter 31, Parks and Wildlife Code; or

(3)  a motor vehicle, trailer, semitrailer, motorboat, vessel, or outboard motor registered or titled outside this state.

Sec. 59.052.  TRANSFER OF CERTAIN PROPERTY TO VEHICLE STORAGE FACILITY. Notwithstanding Subchapter C, a lessor who takes possession of property to which this subchapter applies to enforce a lien under this chapter may transfer possession of the property and have the property towed to a vehicle storage facility for disposition by the vehicle storage facility under Subchapter D, Chapter 2303, Occupations Code, if:

(1)  the transfer of possession and towing is authorized under a written rental agreement between the lessor and tenant;

(2)  the lessor gives written notice of the lessor's claim to the tenant as required under Section 59.042(a) in the manner prescribed by Section 59.043;

(3)  the tenant fails to satisfy the claim on or before the 14th day after the date the notice required under Section 59.042(a) is delivered in the manner prescribed by Section 59.043; and

(4)  the vehicle storage facility agrees in writing to accept possession of the property.

Sec. 59.053.  LIEN EXTINGUISHED. A lessor's lien on property towed to a vehicle storage facility under Section 59.052 is extinguished when the property is towed from the self-service storage facility.

Sec. 59.054.  OTHER RIGHTS AND REMEDIES NOT AFFECTED. Except as provided by Section 59.053, this subchapter does not affect any right or remedy of the lessor at law or in equity.

Sec. 59.055.  LESSOR'S LIABILITY FOR PROPERTY. A lessor is not liable to a tenant for any damage to property that the lessor has towed under Section 59.052 that occurs during the tow or after the property is towed from the self-service storage facility.

SECTION 4.  Chapter 2303, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. ACCEPTANCE AND DISPOSITION OF CERTAIN PROPERTY FROM SELF-SERVICE STORAGE FACILITY

Sec. 2303.201.  DEFINITIONS. In this subchapter, "lessor" and "self-service storage facility" have the meanings assigned by Section 59.001, Property Code.

Sec. 2303.202.  APPLICABILITY. This subchapter applies only to property described by Section 59.051, Property Code.

Sec. 2303.203.  ACCEPTANCE OF PROPERTY. A vehicle storage facility shall accept property from a lessor who has transferred possession of the property from a self-service storage facility to the vehicle storage facility under Section 59.052, Property Code.

Sec. 2303.204.  DISPOSITION OF PROPERTY. A vehicle storage facility that accepts property under Section 2303.203 may dispose of the property in the manner provided by Subchapter D for a vehicle received by a facility as described by Section 2303.151.

SECTION 5.  This Act takes effect September 1, 2019.

\* \* \* \* \*