

By: Creighton

S.B. No. 1185

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

1 disposed of by the vehicle storage facility under Subchapter D,
2 Chapter 2303, Occupations Code; and

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

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

9 SUBCHAPTER D. TOWING OF CERTAIN PROPERTY TO VEHICLE STORAGE
10 FACILITY

11 Sec. 59.051. APPLICABILITY. This subchapter applies only
12 to:

13 (1) a motor vehicle subject to Chapter 501,
14 Transportation Code;

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

18 (3) a trailer for which a title or registration is
19 required under Chapter 501 or 502, Transportation Code; or

20 (4) a motor vehicle, motorboat, vessel, or trailer
21 registered or titled outside this state.

22 Sec. 59.052. TRANSFER OF CERTAIN PROPERTY TO VEHICLE
23 STORAGE FACILITY. Notwithstanding Subchapter C, a lessor who takes
24 possession of property to which this subchapter applies to enforce
25 a lien under this chapter may transfer possession of the property
26 and have the property towed to a vehicle storage facility for
27 disposition by the vehicle storage facility under Subchapter D,

1 Chapter 2303, Occupations Code, if:

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

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

8 (3) the tenant fails to satisfy the claim on or before
9 the 14th day after the date the notice required under Section
10 59.042(a) is delivered in the manner prescribed by Section 59.043;
11 and

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

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

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

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

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

1 SUBCHAPTER E. ACCEPTANCE AND DISPOSITION OF CERTAIN PROPERTY FROM

2 SELF-SERVICE STORAGE FACILITY

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

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

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

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

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