

By: Landgraf

H.B. No. 2879

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice required in connection with possessory liens on
3 certain motor vehicles.

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

5 SECTION 1. Section 70.006, Property Code, is amended by
6 amending Subsections (a) and (b-1) and adding Subsection (a-1) to
7 read as follows:

8 (a) A holder of a lien under this subchapter on a motor
9 vehicle subject to Chapter 501, Transportation Code, or on a
10 motorboat, vessel, or outboard motor for which a certificate of
11 title is required under Subchapter B, Chapter 31, Parks and
12 Wildlife Code, as amended, who retains possession of the motor
13 vehicle, motorboat, vessel, or outboard motor shall give written
14 notice to the owner and each holder of a lien recorded on the
15 certificate of title. Subject to Subsection (a-1) ~~[Not later than~~
16 ~~the 30th day after the date on which the charges accrue]~~, a holder
17 of a possessory lien on a motor vehicle under Section 70.001, other
18 than a person licensed as a franchised dealer under Chapter 2301,
19 Occupations Code, shall file a copy of the notice and all
20 information required by this section with the county tax
21 assessor-collector's office in the county in which the repairs were
22 made with an administrative fee of \$25 payable to the county tax
23 assessor-collector. If the motor vehicle, motorboat, vessel, or
24 outboard motor is registered outside this state, the holder of a

1 lien under this subchapter who retains possession during that
2 period shall give notice to the last known registered owner and each
3 lienholder of record.

4 (a-1) A copy of the notice and information required to be
5 filed with the county tax assessor-collector's office under
6 Subsection (a) must be filed:

7 (1) for a motor vehicle that has a gross vehicle weight
8 rating of less than 16,000 pounds, not later than the 30th day after
9 the date on which the charges accrue; and

10 (2) for a motor vehicle that has a gross vehicle weight
11 rating equal to or greater than 16,000 pounds, not later than the
12 later of the 30th day after the date on which the charges accrue or
13 the 30th day before the date of a proposed sale or disposition of
14 the motor vehicle under Subsection (f) or (f-1).

15 (b-1) A holder of a possessory lien on a motor vehicle under
16 Section 70.001, other than a person licensed as a franchised dealer
17 under Chapter 2301, Occupations Code, who is required to give
18 notice to a lienholder of record under this section must include in
19 the notice:

20 (1) the physical address of the real property at which
21 the repairs to the motor vehicle were made;

22 (2) the legal name of the person that holds the
23 possessory lien for which the notice is required;

24 (3) the taxpayer identification number or employer
25 identification number, as applicable, of the person that holds the
26 possessory lien for which the notice is required; ~~and~~

27 (4) a signed copy of the work order authorizing the

1 repairs on the motor vehicle; and

2 (5) if applicable, the proposed date of the sale or
3 disposition of the motor vehicle under Subsection (f) or (f-1).

4 SECTION 2. The changes in law made by this Act apply only to
5 a possessory lien on a motor vehicle the possession of which is
6 obtained on or after the effective date of this Act. A possessory
7 lien on a motor vehicle the possession of which was obtained before
8 that date is governed by the law in effect at the time possession
9 was obtained, and the former law is continued in effect for that
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2021.