

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. Sections 70.006(a) and (b-1), Property Code, are
6 amended to read as follows:

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

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

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

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

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

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

16 (4) a signed copy of the work order authorizing the
17 repairs on the motor vehicle; and

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

20 SECTION 2. The changes in law made by this Act apply only to
21 a possessory lien on a motor vehicle the possession of which is
22 obtained on or after the effective date of this Act. A possessory
23 lien on a motor vehicle the possession of which was obtained before
24 that date is governed by the law in effect at the time possession
25 was obtained, and the former law is continued in effect for that
26 purpose.

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