

1-1 By: Landgraf (Senate Sponsor - Seliger) H.B. No. 2879
 1-2 (In the Senate - Received from the House April 28, 2021;
 1-3 May 6, 2021, read first time and referred to Committee on Business
 1-4 & Commerce; May 20, 2021, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to notice required in connection with possessory liens on
 1-20 certain motor vehicles.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 70.006, Property Code, is amended by
 1-23 amending Subsections (a) and (b-1) and adding Subsection (a-1) to
 1-24 read as follows:

1-25 (a) A holder of a lien under this subchapter on a motor
 1-26 vehicle subject to Chapter 501, Transportation Code, or on a
 1-27 motorboat, vessel, or outboard motor for which a certificate of
 1-28 title is required under Subchapter B, Chapter 31, Parks and
 1-29 Wildlife Code, as amended, who retains possession of the motor
 1-30 vehicle, motorboat, vessel, or outboard motor shall give written
 1-31 notice to the owner and each holder of a lien recorded on the
 1-32 certificate of title. Subject to Subsection (a-1) [Not later than
 1-33 the 30th day after the date on which the charges accrue], a holder
 1-34 of a possessory lien on a motor vehicle under Section 70.001, other
 1-35 than a person licensed as a franchised dealer under Chapter 2301,
 1-36 Occupations Code, shall file a copy of the notice and all
 1-37 information required by this section with the county tax
 1-38 assessor-collector's office in the county in which the repairs were
 1-39 made with an administrative fee of \$25 payable to the county tax
 1-40 assessor-collector. If the motor vehicle, motorboat, vessel, or
 1-41 outboard motor is registered outside this state, the holder of a
 1-42 lien under this subchapter who retains possession during that
 1-43 period shall give notice to the last known registered owner and each
 1-44 lienholder of record.

1-45 (a-1) A copy of the notice and information required to be
 1-46 filed with the county tax assessor-collector's office under
 1-47 Subsection (a) must be filed:

1-48 (1) for a motor vehicle that has a gross vehicle weight
 1-49 rating of less than 16,000 pounds, not later than the 30th day after
 1-50 the date on which the charges accrue; and

1-51 (2) for a motor vehicle that has a gross vehicle weight
 1-52 rating equal to or greater than 16,000 pounds, not later than the
 1-53 later of the 30th day after the date on which the charges accrue or
 1-54 the 30th day before the date of a proposed sale or disposition of
 1-55 the motor vehicle under Subsection (f) or (f-1).

1-56 (b-1) A holder of a possessory lien on a motor vehicle under
 1-57 Section 70.001, other than a person licensed as a franchised dealer
 1-58 under Chapter 2301, Occupations Code, who is required to give
 1-59 notice to a lienholder of record under this section must include in
 1-60 the notice:

1-61 (1) the physical address of the real property at which

2-1 the repairs to the motor vehicle were made;
2-2 (2) the legal name of the person that holds the
2-3 possessory lien for which the notice is required;
2-4 (3) the taxpayer identification number or employer
2-5 identification number, as applicable, of the person that holds the
2-6 possessory lien for which the notice is required; ~~and~~
2-7 (4) a signed copy of the work order authorizing the
2-8 repairs on the motor vehicle; and
2-9 (5) if applicable, the proposed date of the sale or
2-10 disposition of the motor vehicle under Subsection (f) or (f-1).

2-11 SECTION 2. The changes in law made by this Act apply only to
2-12 a possessory lien on a motor vehicle the possession of which is
2-13 obtained on or after the effective date of this Act. A possessory
2-14 lien on a motor vehicle the possession of which was obtained before
2-15 that date is governed by the law in effect at the time possession
2-16 was obtained, and the former law is continued in effect for that
2-17 purpose.

2-18 SECTION 3. This Act takes effect September 1, 2021.

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