88R7432 DRS-F

By:  Hernandez H.B. No. 3109

A BILL TO BE ENTITLED

AN ACT

relating to provision of notice by a vehicle storage facility through a Texas Department of Motor Vehicles electronic system; authorizing a fee.

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

SECTION 1.  Section 2303.151, Occupations Code, is amended by amending Subsections (d), (e), and (g) and adding Subsection (h) to read as follows:

(d)  Except as provided by Subsection (h), a [~~A~~] notice under this section must:

(1)  be correctly addressed;

(2)  carry sufficient postage; and

(3)  be sent by certified mail, return receipt requested or electronic certified mail.

(e)  A notice under this section is considered to have been given on the date indicated on the postmark and to be timely filed if:

(1)  the postmark indicates that the notice was mailed within the period described by Subsection (a) or (b), as applicable; [~~or~~]

(2)  the notice was published as provided by Section 2303.152; or

(3)  the notice was sent by a Texas Department of Motor Vehicles electronic system as provided by Subsection (h).

(g)  Notwithstanding any other law, a state agency or county office may not require proof of delivery of a notice sent under this section in order to issue a title for the vehicle that is the subject of the notice if proof is provided that the notice was sent [~~mailed~~] in accordance with this section.

(h)  If the Texas Department of Motor Vehicles provides an electronic system to send notice, the operator of a vehicle storage facility may use that electronic system to send the notice required by this section. If the electronic system is unable to send notice to the registered owner or primary lienholder of a vehicle as required under this section, the operator of the vehicle storage facility holding the vehicle shall send written notice as provided under Subsection (a) or Section 2303.152. The Texas Department of Motor Vehicles may charge a fee to send notice through an electronic system under this section.

SECTION 2.  Section 2303.153(a), Occupations Code, is amended to read as follows:

(a)  A notice [~~by mail~~] provided under Section 2303.151 must include:

(1)  the date the vehicle was accepted for storage;

(2)  the first day for which a storage fee is assessed;

(3)  the daily storage rate;

(4)  the type and amount of any other charge to be paid when the vehicle is claimed;

(5)  the full name, street address, and telephone number of the vehicle storage facility;

(6)  the hours during which the owner may claim the vehicle; and

(7)  the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."

SECTION 3.  Section 2303.154, Occupations Code, is amended by amending Subsections (a), (d), and (f) and adding Subsection (e-1) to read as follows:

(a)  If a vehicle is not claimed by a person permitted to claim the vehicle before the 10th day after the date notice is sent [~~mailed~~] or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall consider the vehicle to be abandoned and, if required by the law enforcement agency with jurisdiction where the vehicle is located, report the abandonment to the law enforcement agency.  If the law enforcement agency notifies the vehicle storage facility that the agency will send notices and dispose of the abandoned vehicle under Subchapter B, Chapter 683, Transportation Code, the vehicle storage facility shall pay the fee required under Section 683.031, Transportation Code.

(d)  Not earlier than the 15th day and before the 21st day after the date notice is sent [~~mailed~~] or published under Section 2303.151 or 2303.152, the operator of a vehicle storage facility shall send a second notice to the registered owner and each recorded lienholder of the vehicle if the facility:

(1)  was not required to make a report under Subsection (a); or

(2)  has made a required report under Subsection (a) and the law enforcement agency:

(A)  has notified the facility that the law enforcement agency will not take custody of the vehicle;

(B)  has not taken custody of the vehicle; or

(C)  has not responded to the report.

(e-1)  If the notice required by Section 2303.151 was sent by a Texas Department of Motor Vehicles electronic system described by Section 2303.151(h), the notice required under this section may be sent by that electronic system.

(f)  Notwithstanding any other law, a state agency or county office may not require proof of delivery of a notice sent under this section in order to issue a title for the vehicle that is the subject of the notice if proof is provided that the notice was sent [~~mailed~~] in accordance with this section.

SECTION 4.  Section 2303.1545(a), Occupations Code, is amended to read as follows:

(a)  A vehicle storage facility that holds an abandoned nuisance vehicle is not required to send or publish a second notice and is entitled to dispose of the vehicle on the 30th day after the date the notice is sent [~~mailed~~] or published under Section 2303.151 or 2303.152.

SECTION 5.  Section 2303.155(e), Occupations Code, is amended to read as follows:

(e)  The operator of a vehicle storage facility or governmental vehicle storage facility may charge a daily storage fee under Subsection (b):

(1)  for not more than five days before the date notice is sent [~~mailed~~] or published under this subchapter, if the vehicle is registered in this state;

(2)  for not more than five days before the date the request for owner information is sent to the appropriate governmental entity as required by this subchapter, if the vehicle is registered in another state; and

(3)  for each day the vehicle is in storage after the date the notice is sent [~~mailed~~] or published until the vehicle is removed and all accrued charges are paid.

SECTION 6.  Section 2303.157(a), Occupations Code, is amended to read as follows:

(a)  The operator of a vehicle storage facility may dispose of a vehicle for which notice is given under Section 2303.154 if, before the 30th day after the date notice is sent [~~mailed~~], the vehicle is not:

(1)  claimed by a person entitled to claim the vehicle; or

(2)  taken into custody by a law enforcement agency under Chapter 683, Transportation Code.

SECTION 7.  Section 2303.157(b), Occupations Code, is amended to read as follows:

(b)  An operator entitled to dispose of a vehicle under this section may sell the vehicle at a public sale without obtaining a release or discharge of any lien on the vehicle, regardless of whether notice was provided by mail, [~~or~~] by publication, or by a Texas Department of Motor Vehicles electronic system under this chapter.  The proceeds from the sale of the vehicle shall be applied to the charges incurred for the vehicle under Section 2303.155.  The operator shall pay any excess proceeds to the person entitled to those proceeds.

SECTION 8.  This Act takes effect September 1, 2024.