

By: Hernandez

H.B. No. 3109

A BILL TO BE ENTITLED

1 AN ACT
2 relating to provision of notice by a vehicle storage facility
3 through a Texas Department of Motor Vehicles electronic system;
4 authorizing a fee.

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

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

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

- 11 (1) be correctly addressed;
12 (2) carry sufficient postage; and
13 (3) be sent by certified mail, return receipt
14 requested or electronic certified mail.

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

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

21 (2) the notice was published as provided by Section
22 [2303.152](#); or

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

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

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

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

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

- 20 (1) the date the vehicle was accepted for storage;
- 21 (2) the first day for which a storage fee is assessed;
- 22 (3) the daily storage rate;
- 23 (4) the type and amount of any other charge to be paid
24 when the vehicle is claimed;
- 25 (5) the full name, street address, and telephone
26 number of the vehicle storage facility;
- 27 (6) the hours during which the owner may claim the

1 vehicle; and

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

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

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

20 (d) Not earlier than the 15th day and before the 21st day
21 after the date notice is sent [~~mailed~~] or published under Section
22 2303.151 or 2303.152, the operator of a vehicle storage facility
23 shall send a second notice to the registered owner and each recorded
24 lienholder of the vehicle if the facility:

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

27 (2) has made a required report under Subsection (a)

1 and the law enforcement agency:

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

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

5 (C) has not responded to the report.

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

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

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

17 (a) A vehicle storage facility that holds an abandoned
18 nuisance vehicle is not required to send or publish a second notice
19 and is entitled to dispose of the vehicle on the 30th day after the
20 date the notice is sent ~~[mailed]~~ or published under Section
21 2303.151 or 2303.152.

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

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

27 (1) for not more than five days before the date notice

1 is sent [~~mailed~~] or published under this subchapter, if the vehicle
2 is registered in this state;

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

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

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

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

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

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

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

22 (b) An operator entitled to dispose of a vehicle under this
23 section may sell the vehicle at a public sale without obtaining a
24 release or discharge of any lien on the vehicle, regardless of
25 whether notice was provided by mail, ~~[or]~~ by publication, or by a
26 Texas Department of Motor Vehicles electronic system under this
27 chapter. The proceeds from the sale of the vehicle shall be

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1 applied to the charges incurred for the vehicle under Section
2 [2303.155](#). The operator shall pay any excess proceeds to the person
3 entitled to those proceeds.

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