

1-1 By: Goldman (Senate Sponsor - Kolkhorst) H.B. No. 1066
 1-2 (In the Senate - Received from the House May 14, 2015;
 1-3 May 19, 2015, read first time and referred to Committee on
 1-4 Administration; May 24, 2015, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 24, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell			X	
1-10 Eltife			X	
1-11 Huffines	X			
1-12 Schwertner	X			
1-13 West			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the regulation of certain motor vehicle auctions.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 1802.002(a), Occupations Code, is
 1-20 amended to read as follows:
 1-21 (a) This chapter does not apply to:
 1-22 (1) a sale conducted by order of a United States court
 1-23 under Title 11, United States Code;
 1-24 (2) a sale conducted by an employee of the United
 1-25 States, this state, or a political subdivision of this state in the
 1-26 course and scope of employment;
 1-27 (3) a sale conducted by a charitable, religious, or
 1-28 civic organization, including an organization having a tax exempt
 1-29 status under Section 501(c), Internal Revenue Code of 1986, or
 1-30 organized as a nonprofit entity, if the person organizing,
 1-31 arranging, or conducting the auction receives no compensation;
 1-32 (4) a sale conducted by any person of the person's
 1-33 property if the person is not engaged in the business of selling
 1-34 property at auction on a recurring basis;
 1-35 (5) a foreclosure sale of real property personally
 1-36 conducted by a trustee under a deed of trust;
 1-37 (6) a foreclosure sale of personal property personally
 1-38 conducted by:
 1-39 (A) a person who holds a security interest in the
 1-40 property, including a mortgage; or
 1-41 (B) an employee or agent of a person described by
 1-42 Paragraph (A) acting in the course and scope of employment, if:
 1-43 (i) the employee or agent is not otherwise
 1-44 engaged in the auction business; and
 1-45 (ii) all property for sale in the auction is
 1-46 subject to a security agreement;
 1-47 (7) a sale conducted by sealed bid without the option
 1-48 of increasing or decreasing the amount of a bid;
 1-49 (8) an auction conducted only for student training
 1-50 purposes as part of a course of study approved by the department;
 1-51 (9) an auction conducted by a posted stockyard or
 1-52 market agency as defined by the federal Packers and Stockyards Act
 1-53 (7 U.S.C. Section 181 et seq.), as amended;
 1-54 (10) an auction of livestock conducted by a nonprofit
 1-55 livestock trade association chartered in this state, if the auction
 1-56 involves only the sale of livestock owned by members of the trade
 1-57 association;
 1-58 (11) an auction conducted by a charitable or nonprofit
 1-59 organization chartered in this state, if the auction:
 1-60 (A) is part of a fair that is organized under
 1-61 state, county, or municipal authority; and

2-1 (B) involves only the sale of property owned by
 2-2 the organization's members; ~~[or]~~
 2-3 (12) a sale or auction conducted outside of this
 2-4 state;
 2-5 (13) a sale of motor vehicles at auction by a person
 2-6 licensed under Chapter 2301 or 2302; or
 2-7 (14) a sale of motor vehicles at auction by a person
 2-8 who holds a wholesale motor vehicle auction general distinguishing
 2-9 number or an independent motor vehicle general distinguishing
 2-10 number issued by the Texas Department of Motor Vehicles.

2-11 SECTION 2. Section 1802.051, Occupations Code, is amended
 2-12 by amending Subsection (c) and adding Subsection (d) to read as
 2-13 follows:

2-14 (c) Except as provided by Subsection (d), an [An] individual
 2-15 who is licensed under this chapter may not act as an auctioneer for
 2-16 an entity unless the entity:

2-17 (1) is an auction company owned or operated by an
 2-18 individual who is licensed under this chapter; or

2-19 (2) ~~[holds a dealer general distinguishing number~~
 2-20 ~~issued under Subchapter B, Chapter 503, Transportation Code, and~~
 2-21 ~~the auction is for the purpose of auctioning vehicles as defined by~~
 2-22 ~~Section 503.001, Transportation Code; or~~

2-23 ~~[(3)]~~ is a real estate brokerage firm that is operated
 2-24 by a broker licensed by the Texas Real Estate Commission.

2-25 (d) An auctioneer who is licensed under this chapter may
 2-26 conduct an auction to sell motor vehicles, as defined by Section
 2-27 501.002 or 502.001, Transportation Code, if the auctioneer conducts
 2-28 the auction for a person who holds a dealer general distinguishing
 2-29 number or wholesale motor vehicle auction general distinguishing
 2-30 number issued under Subchapter B, Chapter 503, Transportation Code,
 2-31 or a license issued under Subchapter C, Chapter 2302, of this code.

2-32 SECTION 3. This Act takes effect immediately if it receives
 2-33 a vote of two-thirds of all the members elected to each house, as
 2-34 provided by Section 39, Article III, Texas Constitution. If this
 2-35 Act does not receive the vote necessary for immediate effect, this
 2-36 Act takes effect September 1, 2015.

2-37 * * * * *