

1-1 By: Oliveira, Harless (Senate Sponsor - Nichols) H.B. No. 2076
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 25, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 25, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2076 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to notice requirements and other procedures relating to
 1-22 the possession or sale of a motor vehicle, motorboat, vessel, or
 1-23 outboard motor by a possessory lienholder.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 70.001, Property Code, is amended by
 1-26 adding Subsections (b-1) and (b-2) to read as follows:

1-27 (b-1) Except as provided by Subsection (b), a lien provided
 1-28 by this section on a motor vehicle, motorboat, vessel, or outboard
 1-29 motor is released when a worker:

1-30 (1) receives good and sufficient payment of the
 1-31 amounts due under Subsection (a) and, if applicable, Subsection
 1-32 (d); or

1-33 (2) relinquishes possession of the motor vehicle,
 1-34 motorboat, vessel, or outboard motor.

1-35 (b-2) A worker's right to possession under this section may
 1-36 not be assigned to a third party in return for payment of any amount
 1-37 due under Subsection (a) or (d).

1-38 SECTION 2. Effective September 1, 2015, Sections 70.006(e),
 1-39 (f), (g), and (h), Property Code, are amended to read as follows:

1-40 (e) After notice is given under this section to the owner of
 1-41 or the holder of a lien on the motor vehicle, motorboat, vessel, or
 1-42 outboard motor, the owner or holder of the lien may obtain
 1-43 possession of the motor vehicle, motorboat, vessel, or outboard
 1-44 motor by paying all charges due to the holder of a lien under this
 1-45 subchapter before the 31st day after the date a copy of the notice
 1-46 is filed with the county tax assessor-collector's office [~~the~~
 1-47 ~~notice is mailed or published as provided by this section~~].

1-48 (f) If the charges are not paid before the 31st day after the
 1-49 date that a copy of the notice required by Subsection (a) is filed
 1-50 with the county tax assessor-collector's office [~~day that the~~
 1-51 ~~notice is mailed or published, as applicable~~], the lienholder may
 1-52 sell the motor vehicle, motorboat, vessel, or outboard motor at a
 1-53 public sale and apply the proceeds to the charges. The lienholder
 1-54 shall pay excess proceeds to the person entitled to them. The public
 1-55 sale may not take place before the 31st day after the date a copy of
 1-56 the notice is filed with the county tax assessor-collector's
 1-57 office.

1-58 (g) After providing notice in accordance with this section,
 1-59 a holder of a possessory lien on a motor vehicle under Section
 1-60 70.001, other than a person licensed as a franchised dealer under

2-1 Chapter 2301, Occupations Code, shall, on request, ~~[not later than~~
2-2 ~~the 30th day after the date on which the charges accrue, make~~
2-3 ~~commercially reasonable efforts to]~~ allow an owner and each
2-4 lienholder of record to inspect or arrange an inspection of the
2-5 motor vehicle by a qualified professional to verify that the
2-6 repairs were made. The inspection must be completed before the date
2-7 of the public sale authorized by Subsection (f).

2-8 (h) Not later than the 15th business day after the date the
2-9 county tax assessor-collector receives notice under this section,
2-10 the county tax assessor-collector shall provide a copy of the
2-11 notice that indicates the date the notice was filed with the county
2-12 tax assessor-collector to the owner of the motor vehicle and each
2-13 holder of a lien recorded on the certificate of title of the motor
2-14 vehicle. Except as provided by this subsection, the county tax
2-15 assessor-collector shall provide the notice required by this
2-16 section in the same manner as a holder of a lien is required to
2-17 provide a notice under this section, except that the county tax
2-18 assessor-collector is not required to use certified mail. Notice
2-19 under this section is required regardless of the date on which the
2-20 charges on which the possessory lien is based accrued.

2-21 SECTION 3. (a) Sections 70.006(e), (f), and (h), Property
2-22 Code, as amended by this Act, apply only to a notice required under
2-23 Section 70.006(a), Property Code, provided on or after September 1,
2-24 2015. A notice provided before September 1, 2015, is governed by the
2-25 law as it existed immediately before September 1, 2015, and that law
2-26 is continued in effect for that purpose.

2-27 (b) Section 70.006(g), Property Code, as amended by this
2-28 Act, applies only to a sale of a motor vehicle, motorboat, vessel,
2-29 or outboard motor for which the notice required under Section
2-30 70.006(a), Property Code, is provided on or after September 1,
2-31 2015. A sale for which the notice required under Section 70.006(a),
2-32 Property Code, is provided before September 1, 2015, is governed by
2-33 the law as it existed immediately before September 1, 2015, and that
2-34 law is continued in effect for that purpose.

2-35 SECTION 4. Except as otherwise provided by this Act, this
2-36 Act takes effect immediately if it receives a vote of two-thirds of
2-37 all the members elected to each house, as provided by Section 39,
2-38 Article III, Texas Constitution. If this Act does not receive the
2-39 vote necessary for immediate effect, this Act takes effect
2-40 September 1, 2015.

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