

1-1 By: Pickett (Senate Sponsor - Nichols) H.B. No. 1247
1-2 (In the Senate - Received from the House April 24, 2017;
1-3 May 10, 2017, read first time and referred to Committee on Business
1-4 & Commerce; May 17, 2017, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 17, 2017, 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 provided to vehicle owners and lienholders by
1-20 operators of vehicle storage facilities.

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

1-22 SECTION 1. Section 2303.151, Occupations Code, is amended
1-23 by adding Subsections (b-1) and (b-2) to read as follows:

1-24 (b-1) The operator of a vehicle storage facility shall send
1-25 a written notice required under Subsection (b) to an address
1-26 obtained, by mail or electronically, either:

1-27 (1) directly from the governmental entity responsible
1-28 for maintaining the motor vehicle title and registration database
1-29 for the state in which the vehicle is registered; or

1-30 (2) from a private entity authorized by that
1-31 governmental entity to obtain title, registration, and lienholder
1-32 information using a single vehicle identification number inquiry
1-33 submitted through a secure access portal to the governmental
1-34 entity's motor vehicle records.

1-35 (b-2) An address obtained electronically from a
1-36 governmental entity under Subsection (b-1)(1) must be obtained
1-37 through the governmental entity's secure access portal.

1-38 SECTION 2. Section 2303.152, Occupations Code, is amended
1-39 by amending Subsections (a) and (b) and adding Subsection (b-1) to
1-40 read as follows:

1-41 (a) Notice to the registered owner and the primary
1-42 lienholder of a vehicle towed to a vehicle storage facility may be
1-43 provided by publication in a newspaper of general circulation in
1-44 the county in which the vehicle is stored if:

1-45 (1) the vehicle is registered in another state;

1-46 (2) the operator of the storage facility submits to
1-47 the governmental entity responsible for maintaining the motor
1-48 vehicle title and registration database for the state in which the
1-49 vehicle is registered [~~with which the vehicle is registered~~] a
1-50 [~~written~~] request for information relating to the identity of the
1-51 registered owner and any lienholder of record that is either:

1-52 (A) written; or

1-53 (B) electronic, through the governmental
1-54 entity's secure access portal;

1-55 (3) the identity of the registered owner cannot be
1-56 determined;

1-57 (4) the registration does not contain an address for
1-58 the registered owner; or

1-59 (5) the operator of the storage facility cannot
1-60 reasonably determine the identity and address of each lienholder.

1-61 (b) A [~~The~~] written request under Subsection (a)(2)(A)

2-1 must:

- 2-2 (1) be correctly addressed;
- 2-3 (2) carry sufficient postage; and
- 2-4 (3) be sent by certified mail, return receipt

2-5 requested, or electronic certified mail.

2-6 (b-1) An electronic request under Subsection (a)(2)(B) must

2-7 be submitted either:

2-8 (1) directly to the governmental entity through the

2-9 governmental entity's secure access portal; or

2-10 (2) to a private entity authorized by the governmental

2-11 entity to obtain title, registration, and lienholder information

2-12 using a single vehicle identification number inquiry submitted

2-13 through a secure access portal to the governmental entity's motor

2-14 vehicle records.

2-15 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is

2-16 amended by adding Section 2303.1521 to read as follows:

2-17 Sec. 2303.1521. CERTAIN VEHICLES WITH STATE OF REGISTRATION

2-18 UNKNOWN. (a) An operator of a vehicle storage facility who

2-19 receives a motor vehicle as defined by Section 501.002(17)(A),

2-20 Transportation Code, and does not know the state in which the

2-21 vehicle is registered may give notice by publication under Section

2-22 2303.152 only if the operator:

2-23 (1) obtains, using the motor vehicle's vehicle

2-24 identification number, by mail or electronically, a report from the

2-25 National Motor Vehicle Title Information System operated by the

2-26 United States Department of Justice, or a successor system, showing

2-27 the state in which the motor vehicle is titled; and

2-28 (2) either:

2-29 (A) is unable to determine from the report the

2-30 governmental entity that is responsible for maintaining the

2-31 registration information for the motor vehicle; or

2-32 (B) attempts to and is unable to obtain, from the

2-33 governmental entity indicated in the report, the identity and

2-34 address of any registered owner and any lienholder.

2-35 (b) An operator who attempts to obtain owner and lienholder

2-36 information under Subsection (a)(2) must attempt to obtain the

2-37 information, by mail or electronically, either:

2-38 (1) directly from the governmental entity; or

2-39 (2) from a private entity authorized by the

2-40 governmental entity to obtain title, registration, and lienholder

2-41 information using a single vehicle identification number inquiry

2-42 submitted through a secure access portal to the governmental

2-43 entity's motor vehicle records.

2-44 (c) An address obtained electronically from a governmental

2-45 entity under Subsection (b)(1) must be obtained through the

2-46 governmental entity's secure access portal.

2-47 SECTION 4. This Act takes effect immediately if it receives

2-48 a vote of two-thirds of all the members elected to each house, as

2-49 provided by Section 39, Article III, Texas Constitution. If this

2-50 Act does not receive the vote necessary for immediate effect, this

2-51 Act takes effect September 1, 2017.

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