

1-1 By: Goldman (Senate Sponsor - Schwertner) H.B. No. 3215
 1-2 (In the Senate - Received from the House April 24, 2017;
 1-3 May 3, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 19, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 19, 2017, 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. 3215 By: Creighton

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

1-21 relating to the authority of a person to sell property without
 1-22 engaging in business as a motor vehicle dealer.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 503.024(b) and (d), Transportation
 1-25 Code, are amended to read as follows:

1-26 (b) For the purposes of Section 503.021, a person is not
 1-27 engaging in business as a dealer by:

1-28 (1) selling or offering to sell, if the sale or offer
 1-29 is not made to avoid a requirement of this chapter, a vehicle the
 1-30 person acquired for personal or business use to:

1-31 (A) a person other than a retail buyer if not sold
 1-32 or offered through a licensed auctioneer; or

1-33 (B) any person if the sale or offer is made
 1-34 through a licensed auctioneer [if the sale or offer is not made to
 1-35 avoid a requirement of this chapter];

1-36 (2) selling, in a manner provided by law for the forced
 1-37 sale of vehicles, a vehicle in which the person holds a security
 1-38 interest;

1-39 (3) acting under a court order as a receiver, trustee,
 1-40 administrator, executor, guardian, or other appointed person;

1-41 (4) selling a vehicle the person acquired from the
 1-42 vehicle's owner as a result of paying an insurance claim if the
 1-43 person is an insurance company;

1-44 (5) selling an antique passenger car or truck that is
 1-45 at least 25 years of age; or

1-46 (6) selling a special interest vehicle that is at
 1-47 least 12 years of age if the person is a collector.

1-48 (d) For the purposes of Section 503.021, a licensed
 1-49 auctioneer is not engaging in business as a dealer by, as a bid
 1-50 caller, selling or offering to sell property, including a business
 1-51 that holds the title to any number of vehicles, to the highest
 1-52 bidder at a bona fide auction if:

1-53 (1) legal or equitable title does not pass to the
 1-54 auctioneer;

1-55 (2) the auction is not held to avoid a requirement of
 1-56 this chapter; and

1-57 (3) for an auction of vehicles owned legally or
 1-58 equitably by a person who holds a general distinguishing number,
 1-59 the auction is conducted at the location for which the general
 1-60 distinguishing number was issued.

2-1 SECTION 2. This Act takes effect September 1, 2017.

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