

1-1 By: Creighton S.B. No. 1185  
 1-2 (In the Senate - Filed February 26, 2019; March 7, 2019,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 May 16, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0; May 16, 2019,  
 1-6 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 S.B. No. 1185 By: Nichols

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

1-21 relating to the towing of certain property from a self-service  
 1-22 storage facility for disposition by a vehicle storage facility.

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

1-24 SECTION 1. Section 59.001, Property Code, is amended by  
 1-25 adding Subdivision (4-a) to read as follows:

1-26 (4-a) "Vehicle storage facility" has the meaning  
 1-27 assigned by Section 2303.002, Occupations Code.

1-28 SECTION 2. Section 59.043(a), Property Code, is amended to  
 1-29 read as follows:

1-30 (a) The lessor's notice to the tenant of the claim must  
 1-31 contain:

1-32 (1) an itemized account of the claim;

1-33 (2) the name, address, and telephone number of the  
 1-34 lessor or the lessor's agent;

1-35 (3) a statement that the contents of the self-service  
 1-36 storage facility have been seized under the contractual landlord's  
 1-37 lien;

1-38 (4) a statement that if the tenant fails to satisfy the  
 1-39 claim on or before the 14th day after the date the notice is  
 1-40 delivered, the property may be, as applicable:

1-41 (A) sold at public auction under this subchapter;

1-42 or

1-43 (B) towed to a vehicle storage facility and  
 1-44 disposed of by the vehicle storage facility under Subchapter D,  
 1-45 Chapter 2303, Occupations Code; and

1-46 (5) a statement underlined or printed in conspicuous  
 1-47 bold print requesting a tenant who is in military service to notify  
 1-48 the lessor of the status of the tenant's current military service  
 1-49 immediately.

1-50 SECTION 3. Chapter 59, Property Code, is amended by adding  
 1-51 Subchapter D to read as follows:

1-52 SUBCHAPTER D. TOWING OF CERTAIN PROPERTY TO VEHICLE STORAGE  
 1-53 FACILITY

1-54 Sec. 59.051. APPLICABILITY. This subchapter applies only  
 1-55 to property that is:

1-56 (1) a motor vehicle, trailer, or semitrailer for which  
 1-57 a title or registration is required under Chapter 501 or 502,  
 1-58 Transportation Code;

1-59 (2) a motorboat, vessel, or outboard motor for which a  
 1-60 certificate of title is required under Subchapter B, Chapter 31,

2-1 Parks and Wildlife Code; or  
2-2 (3) a motor vehicle, trailer, semitrailer, motorboat,  
2-3 vessel, or outboard motor registered or titled outside this state.  
2-4 Sec. 59.052. TRANSFER OF CERTAIN PROPERTY TO VEHICLE  
2-5 STORAGE FACILITY. Notwithstanding Subchapter C, a lessor who takes  
2-6 possession of property to which this subchapter applies to enforce  
2-7 a lien under this chapter may transfer possession of the property  
2-8 and have the property towed to a vehicle storage facility for  
2-9 disposition by the vehicle storage facility under Subchapter D,  
2-10 Chapter 2303, Occupations Code, if:  
2-11 (1) the transfer of possession and towing is  
2-12 authorized under a written rental agreement between the lessor and  
2-13 tenant;  
2-14 (2) the lessor gives written notice of the lessor's  
2-15 claim to the tenant as required under Section 59.042(a) in the  
2-16 manner prescribed by Section 59.043;  
2-17 (3) the tenant fails to satisfy the claim on or before  
2-18 the 14th day after the date the notice required under Section  
2-19 59.042(a) is delivered in the manner prescribed by Section 59.043;  
2-20 and  
2-21 (4) the vehicle storage facility agrees in writing to  
2-22 accept possession of the property.  
2-23 Sec. 59.053. LIEN EXTINGUISHED. A lessor's lien on  
2-24 property towed to a vehicle storage facility under Section 59.052  
2-25 is extinguished when the property is towed from the self-service  
2-26 storage facility.  
2-27 Sec. 59.054. OTHER RIGHTS AND REMEDIES NOT AFFECTED.  
2-28 Except as provided by Section 59.053, this subchapter does not  
2-29 affect any right or remedy of the lessor at law or in equity.  
2-30 Sec. 59.055. LESSOR'S LIABILITY FOR PROPERTY. A lessor is  
2-31 not liable to a tenant for any damage to property that the lessor  
2-32 has towed under Section 59.052 that occurs during the tow or after  
2-33 the property is towed from the self-service storage facility.  
2-34 SECTION 4. Chapter 2303, Occupations Code, is amended by  
2-35 adding Subchapter E to read as follows:  
2-36 SUBCHAPTER E. ACCEPTANCE AND DISPOSITION OF CERTAIN PROPERTY FROM  
2-37 SELF-SERVICE STORAGE FACILITY  
2-38 Sec. 2303.201. DEFINITIONS. In this subchapter, "lessor"  
2-39 and "self-service storage facility" have the meanings assigned by  
2-40 Section 59.001, Property Code.  
2-41 Sec. 2303.202. APPLICABILITY. This subchapter applies only  
2-42 to property described by Section 59.051, Property Code.  
2-43 Sec. 2303.203. ACCEPTANCE OF PROPERTY. A vehicle storage  
2-44 facility shall accept property from a lessor who has transferred  
2-45 possession of the property from a self-service storage facility to  
2-46 the vehicle storage facility under Section 59.052, Property Code.  
2-47 Sec. 2303.204. DISPOSITION OF PROPERTY. A vehicle storage  
2-48 facility that accepts property under Section 2303.203 may dispose  
2-49 of the property in the manner provided by Subchapter D for a vehicle  
2-50 received by a facility as described by Section 2303.151.  
2-51 SECTION 5. This Act takes effect September 1, 2019.

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