

1-1 By: Creighton S.B. No. 1181
1-2 (In the Senate - Filed March 8, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 March 31, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 31, 2021, 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 the towing of certain property from a self-service
1-20 storage facility for disposition by a vehicle storage facility.

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

1-22 SECTION 1. Section 59.001, Property Code, is amended by
1-23 adding Subdivision (4-a) to read as follows:

1-24 (4-a) "Vehicle storage facility" has the meaning
1-25 assigned by Section 2303.002, Occupations Code.

1-26 SECTION 2. Section 59.043(a), Property Code, is amended to
1-27 read as follows:

1-28 (a) The lessor's notice to the tenant of the claim must
1-29 contain:

1-30 (1) an itemized account of the claim;

1-31 (2) the name, address, and telephone number of the
1-32 lessor or the lessor's agent;

1-33 (3) a statement that the contents of the self-service
1-34 storage facility have been seized under the contractual landlord's
1-35 lien;

1-36 (4) a statement that if the tenant fails to satisfy the
1-37 claim on or before the 14th day after the date the notice is
1-38 delivered, the property may be, as applicable:

1-39 (A) sold at public auction under this subchapter;
1-40 or

1-41 (B) towed to a vehicle storage facility and
1-42 disposed of by the vehicle storage facility under Subchapter D,
1-43 Chapter 2303, Occupations Code; and

1-44 (5) a statement underlined or printed in conspicuous
1-45 bold print requesting a tenant who is in military service to notify
1-46 the lessor of the status of the tenant's current military service
1-47 immediately.

1-48 SECTION 3. Chapter 59, Property Code, is amended by adding
1-49 Subchapter D to read as follows:

1-50 SUBCHAPTER D. TOWING OF CERTAIN PROPERTY TO VEHICLE STORAGE
1-51 FACILITY

1-52 Sec. 59.051. APPLICABILITY. This subchapter applies only
1-53 to property that is:

1-54 (1) a motor vehicle, trailer, or semitrailer for which
1-55 a title or registration is required under Chapter 501 or 502,
1-56 Transportation Code;

1-57 (2) a motorboat, vessel, or outboard motor for which a
1-58 certificate of title is required under Subchapter B, Chapter 31,
1-59 Parks and Wildlife Code; or

1-60 (3) a motor vehicle, trailer, semitrailer, motorboat,
1-61 vessel, or outboard motor registered or titled outside this state.

2-1 Sec. 59.052. TRANSFER OF CERTAIN PROPERTY TO VEHICLE
2-2 STORAGE FACILITY. Notwithstanding Subchapter C, a lessor who takes
2-3 possession of property to which this subchapter applies to enforce
2-4 a lien under this chapter may transfer possession of the property
2-5 and have the property towed to a vehicle storage facility for
2-6 disposition by the vehicle storage facility under Subchapter D,
2-7 Chapter 2303, Occupations Code, if:

2-8 (1) the transfer of possession and towing is
2-9 authorized under a written rental agreement between the lessor and
2-10 tenant;

2-11 (2) the lessor gives written notice of the lessor's
2-12 claim to the tenant as required under Section 59.042(a) in the
2-13 manner prescribed by Section 59.043;

2-14 (3) the tenant fails to satisfy the claim on or before
2-15 the 14th day after the date the notice required under Section
2-16 59.042(a) is delivered in the manner prescribed by Section 59.043;
2-17 and

2-18 (4) the vehicle storage facility agrees in writing to
2-19 accept possession of the property.

2-20 Sec. 59.053. LIEN EXTINGUISHED. A lessor's lien on
2-21 property towed to a vehicle storage facility under Section 59.052
2-22 is extinguished when the property is towed from the self-service
2-23 storage facility.

2-24 Sec. 59.054. OTHER RIGHTS AND REMEDIES NOT AFFECTED.
2-25 Except as provided by Section 59.053, this subchapter does not
2-26 affect any right or remedy of the lessor at law or in equity.

2-27 Sec. 59.055. LESSOR'S LIABILITY FOR PROPERTY. A lessor is
2-28 not liable to a tenant for any damage to property that the lessor
2-29 has towed under Section 59.052 that occurs during the tow or after
2-30 the property is towed from the self-service storage facility.

2-31 SECTION 4. Chapter 2303, Occupations Code, is amended by
2-32 adding Subchapter E to read as follows:

2-33 SUBCHAPTER E. ACCEPTANCE AND DISPOSITION OF CERTAIN PROPERTY FROM
2-34 SELF-SERVICE STORAGE FACILITY

2-35 Sec. 2303.201. DEFINITIONS. In this subchapter, "lessor"
2-36 and "self-service storage facility" have the meanings assigned by
2-37 Section 59.001, Property Code.

2-38 Sec. 2303.202. APPLICABILITY. This subchapter applies only
2-39 to property described by Section 59.051, Property Code.

2-40 Sec. 2303.203. ACCEPTANCE OF PROPERTY. A vehicle storage
2-41 facility shall accept property from a lessor who has transferred
2-42 possession of the property from a self-service storage facility to
2-43 the vehicle storage facility under Section 59.052, Property Code.

2-44 Sec. 2303.204. DISPOSITION OF PROPERTY. A vehicle storage
2-45 facility that accepts property under Section 2303.203 may dispose
2-46 of the property in the manner provided by Subchapter D for a vehicle
2-47 received by a facility as described by Section 2303.151.

2-48 SECTION 5. This Act takes effect September 1, 2021.

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