

AN ACT

relating to notice provided to vehicle owners and lienholders by operators of vehicle storage facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

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

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

(a) Notice to the registered owner and the primary

1 lienholder of a vehicle towed to a vehicle storage facility may be  
2 provided by publication in a newspaper of general circulation in  
3 the county in which the vehicle is stored if:

4 (1) the vehicle is registered in another state;

5 (2) the operator of the storage facility submits to  
6 the governmental entity responsible for maintaining the motor  
7 vehicle title and registration database for the state in which the  
8 vehicle is registered [~~with which the vehicle is registered~~] a  
9 [~~written~~] request for information relating to the identity of the  
10 registered owner and any lienholder of record that is either:

11 (A) written; or

12 (B) electronic, through the governmental  
13 entity's secure access portal;

14 (3) the identity of the registered owner cannot be  
15 determined;

16 (4) the registration does not contain an address for  
17 the registered owner; or

18 (5) the operator of the storage facility cannot  
19 reasonably determine the identity and address of each lienholder.

20 (b) A [~~The~~] written request under Subsection (a)(2)(A)  
21 must:

22 (1) be correctly addressed;

23 (2) carry sufficient postage; and

24 (3) be sent by certified mail, return receipt  
25 requested, or electronic certified mail.

26 (b-1) An electronic request under Subsection (a)(2)(B) must  
27 be submitted either:

1           (1) directly to the governmental entity through the  
2 governmental entity's secure access portal; or

3           (2) to a private entity authorized by the governmental  
4 entity to obtain title, registration, and lienholder information  
5 using a single vehicle identification number inquiry submitted  
6 through a secure access portal to the governmental entity's motor  
7 vehicle records.

8           SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is  
9 amended by adding Section 2303.1521 to read as follows:

10           Sec. 2303.1521. CERTAIN VEHICLES WITH STATE OF REGISTRATION  
11 UNKNOWN. (a) An operator of a vehicle storage facility who  
12 receives a motor vehicle as defined by Section 501.002(17)(A),  
13 Transportation Code, and does not know the state in which the  
14 vehicle is registered may give notice by publication under Section  
15 2303.152 only if the operator:

16           (1) obtains, using the motor vehicle's vehicle  
17 identification number, by mail or electronically, a report from the  
18 National Motor Vehicle Title Information System operated by the  
19 United States Department of Justice, or a successor system, showing  
20 the state in which the motor vehicle is titled; and

21           (2) either:

22           (A) is unable to determine from the report the  
23 governmental entity that is responsible for maintaining the  
24 registration information for the motor vehicle; or

25           (B) attempts to and is unable to obtain, from the  
26 governmental entity indicated in the report, the identity and  
27 address of any registered owner and any lienholder.

1       (b) An operator who attempts to obtain owner and lienholder  
2 information under Subsection (a)(2) must attempt to obtain the  
3 information, by mail or electronically, either:

4               (1) directly from the governmental entity; or

5               (2) from a private entity authorized by the  
6 governmental entity to obtain title, registration, and lienholder  
7 information using a single vehicle identification number inquiry  
8 submitted through a secure access portal to the governmental  
9 entity's motor vehicle records.

10       (c) An address obtained electronically from a governmental  
11 entity under Subsection (b)(1) must be obtained through the  
12 governmental entity's secure access portal.

13       SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1247 was passed by the House on April 20, 2017, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1247 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor