

BILL ANALYSIS

Senate Research Center
76R5054 MLS-F

H.B. 1356
By: Bosse (Carona)
Jurisprudence
4/15/1999
Engrossed

DIGEST

Currently, the Property Code does not address the notification process for vehicles with liens that are not registered in Texas. Additionally, problems arise when a lienholder is unable to obtain necessary contact information to officially notify certain entities of the possession of property. H.B. 1356 streamlines and expands notification procedures for the lienholder to notify the last known registered owner of certain property.

PURPOSE

As proposed, H.B. 1356 streamlines and expands the required notification procedures for certain lienholders in the process of obtaining possession of property.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 70.004, Property Code, to require a holder of a lien under Section 70.003, Property Code, for certain property to give notice for a motor vehicle, motorboat, vessel, or outboard motor registered in Texas to certain entities by the fifth day after possession of the property is obtained. Requires notice to be given by the 14th day after possession is obtained, if the property is registered outside of Texas. Sets forth procedures for giving notice, and sets forth provisions for returned notice. Entitles a person to impoundment, rather than preservation fees. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 70.006, Property Code, to require the lienholder who retains possession of a motor vehicle, boat or outboard motor registered outside this state to give notice to the last known registered owner and each lienholder. Sets forth procedures for giving notice, and creates a provision for returned notification. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.