

BILL ANALYSIS

Senate Research Center

H.B. 2243
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State Affairs
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Engrossed

DIGEST AND PURPOSE

The Vehicle Storage Facility Act (Act) was enacted by the 69th Legislature to provide for the regulation of storage facilities, vehicle storage procedures, and fees. Various modifications to provisions regarding notice requirements, storage, disposal and notification fees, and the handling of abandoned nuisance vehicles under the Act could facilitate the operations of licensed vehicle storage facilities. H.B. 2243 establishes provisions for the disposal of abandoned nuisance vehicles by vehicle storage facilities and modifies fee and notification requirements.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), by amending Subdivision (6) and adding Subdivision (10), to redefine “owner of a vehicle” and define “abandoned nuisance vehicle.”

SECTION 2. Amends Section 13, Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), by amending Subsections (g) and (i) and adding Subsections (k) and (l), as follows:

(g) Requires notice by publication to contain the vehicle description, the total charges, the full name, street address, and telephone number of the facility, and the Texas Department of Transportation (department) registration number. Provides that no other information is required to be published. Provides that only one notice is required to be published for an abandoned nuisance vehicle.

(i) Authorizes the operator of the storage facility to charge the owner of the vehicle a reasonable fee for giving the notice required by this section and an additional reasonable fee if the notice was required under Subsection (k) of this section.

(k) Requires the published notice, if publication is required for the second notice, to contain certain items.

(l) Provides that a vehicle storage facility that holds an abandoned nuisance vehicle is not required to send or publish a second notice and is entitled to dispose of the vehicle on the 30th day after the date the first letter is mailed or notice is published. Authorizes the vehicle storage facility to notify the department that notices under Chapter 683, Transportation Code, have been provided and requires the facility to pay a fee of \$10 to the department, or, in the alternative, the vehicle storage facility may notify the appropriate law enforcement agency and pay a fee of \$10 to that agency. Authorizes the law enforcement agency to sign a document issued by the department.

SECTION 3. Amends Section 14, Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), by amending Subsections (a) and (c) and adding Subsection (h), as follows:

(a) Prohibits the operator of a vehicle storage facility from charging an owner more than \$32 (rather than \$25) for notification under Section 13 of this article. Authorizes the vehicle storage facility, under certain conditions, to recover the additional amount of the cost of publication from the vehicle owner or agent.

(c) Prohibits the operator of a vehicle storage facility from charging less than \$5 or more than \$15 for each day or part of a day for storage of a vehicle, except that a vehicle storage facility is required to charge a fee of \$30 for each day or part of a day for storage of a vehicle that is longer than 25 feet.

(h) Authorizes any fee that is required to be submitted to a law enforcement agency, the agency's authorized agent, or a governmental entity to be collected by the operator of the vehicle storage facility in addition to other fees authorized by this section.

SECTION 4. Amends Section 14B, Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes an operator entitled to dispose of a vehicle under this section to sell the vehicle at a public sale without being required to obtain a release or discharge of any lien on the vehicle, regardless of whether notice was provided by mail or by publication in accordance with this Act.

(c) Authorizes the operator of a vehicle storage facility, notwithstanding Subsection (a) of this section, to dispose of a vehicle for which notice was given under Section 13 of this article as provided by this section if the vehicle is an abandoned nuisance vehicle and before the 30th day after the date the notice was sent, the vehicle storage facility submits an application to the department for disposal of the vehicle.

SECTION 5. Effective date: September 1, 2001.