

## **BILL ANALYSIS**

Senate Research Center

S.B. 855  
By: Patterson  
State Affairs  
3-23-97  
Committee Report (Amended)

### **DIGEST**

Currently, Article 6687-9a, V.T.C.S., the Vehicle Storage Facility Act, sets forth the guidelines regarding certain abandoned vehicles held by a vehicle storage facility. This bill would authorize the operator of a vehicle storage facility to dispose of a vehicle after the 61st day the notice is sent to the owner of the vehicle at a public sale without having to obtain a release or discharge of any lien on the vehicle.

### **PURPOSE**

As proposed, S.B. 855 authorizes the disposal of certain abandoned vehicles by a vehicle storage operator.

### **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 13, Article 6687-9a, V.T.C.S. (Vehicle Storage Facility Act), by adding Subsection (d), to require the operator of a vehicle storage facility, if a vehicle for which notice was sent under Subsection (a) of this section has not, before the 61st day after the date notice was mailed, been claimed by a person permitted to claim the vehicle or been taken into custody by a law enforcement agency under Chapter 683, Transportation Code, to send a second notice to the registered owner and primary lienholder. Requires the second notice to contain the information required under Subsection (b) of this section; a statement of the right of the facility to dispose of the vehicle under Section 14B of this Act; and a statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date the second notice was mailed is a waiver by that person of all right, title, and interest in the vehicle, and a consent to the sale of the vehicle at a public sale.

SECTION 2. Amends Article 6687-9a, V.T.C.S., by adding Section 14B, as follows:

Sec. 14B. DISPOSAL OF CERTAIN ABANDONED VEHICLES. Authorizes the operator of a vehicle storage facility to dispose of a vehicle for which notice was sent under Section 13(d) of this Act as provided by this section if, before the 30th day after the date the notice was mailed, the vehicle has not been claimed by a person entitled to claim the vehicle; or taken into custody by a law enforcement agency under Chapter 683, Transportation Code. 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. Requires the proceeds from the sale of the vehicle to be applied to the charges incurred for the vehicle under Section 14 of this Act. Requires the operator to pay excess proceeds to the person entitled to them.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### **Amendment 1.**

Page 1, lines 14-17, by striking the proposed second sentence of Article 6687-9a(d), V.T.C.S., and inserting the following: "The second notice must contain: (1) the information required under Subsection (b) of this section; (2) a statement of the right of the facility to dispose of the vehicle under Section 14B of this Act; and (3) a statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date the second notice was mailed is: (A) a waiver by that person of all right, title, and interest in the vehicle; and (B) a consent to the sale of the vehicle at a public sale."