

By: Goldman

H.B. No. 2598

A BILL TO BE ENTITLED

AN ACT

relating to the release of personal property and commercial cargo
by a vehicle storage facility.

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

SECTION 1. Section 2303.002 is amended by adding a new
subsection (3) to read as follows:

Sec. 2303.002. DEFINITIONS. In this chapter:

(1) "Abandoned nuisance vehicle" means a motor vehicle that
is:

(A) at least 10 years old; and

(B) of a condition only to be demolished, wrecked, or
dismantled.

(2) "Commission" means the Texas Commission of Licensing
and Regulation.

(3) "Commercial cargo" means any property in or on a
self-propelled or towed vehicle that has been transported in
interstate or intrastate commerce.

(4) "Department" means the Texas Department of Licensing
and Regulation.

(5) ~~[(4)]~~ "Executive director" means the executive director
of the department.

(6) ~~[(5)]~~ "Owner of a vehicle" means a person:

(A) named as the purchaser or transferee in the
certificate of title issued for the vehicle under Chapter 501,

1 Transportation Code;

2 (B) in whose name the vehicle is registered under
3 Chapter 502, Transportation Code, or a member of the person's
4 immediate family;

5 (C) who holds the vehicle through a lease agreement;

6 (D) who is an unrecorded lienholder entitled to
7 possess the vehicle under the terms of a chattel mortgage; or

8 (E) who is a lienholder, holds an affidavit of
9 repossession, and is entitled to repossess the vehicle.

10 (7) [~~(6)~~] "Principal" means an individual who:

11 (A) personally or constructively holds, including as
12 the beneficiary of a trust:

13 (i) at least 10 percent of a corporation's
14 outstanding stock; or

15 (ii) more than \$25,000 of the fair market value
16 of a business entity;

17 (B) has the controlling interest in a business entity;

18 (C) has a direct or indirect participating interest
19 through shares, stock, or otherwise, regardless of whether voting
20 rights are included, of more than 10 percent of the profits,
21 proceeds, or capital gains of a business entity;

22 (D) is a member of the board of directors or other
23 governing body of a business entity; or

24 (E) serves as an elected officer of a business entity.

25 (8) [~~(7)~~] "Vehicle" means:

26 (A) a motor vehicle for which the issuance of a
27 certificate of title is required under Chapter 501, Transportation

1 Code; or

2 (B) any other device designed to be self-propelled or
3 transported on a public highway.

4 (9) ~~[(8)]~~ "Vehicle storage facility" means a garage,
5 parking lot, or other facility that is:

6 (A) owned by a person other than a governmental
7 entity; and

8 (B) used to store or park at least 10 vehicles each
9 year.

10 SECTION 2. Chapter 2303 Subchapter F is amended by adding a
11 new 2303.162 to read as follows:

12 Sec. 2303.162. RELEASE OF PERSONAL PROPERTY AND COMMERCIAL
13 CARGO. (a) A vehicle storage facility shall allow any person who
14 demonstrates ownership or has right of possession of a vehicle
15 stored at the facility, or any authorized representative of the
16 person, to remove at no cost any detached personal property from the
17 vehicle.

18 (b) A vehicle storage facility shall allow any person who
19 demonstrates ownership or has right of possession of a vehicle or
20 commercial cargo stored at the facility, or any authorized
21 representative of the person, to remove at no cost any commercial
22 cargo identified or described in a bill of lading, shipping
23 manifest, shipping invoice, or similar document.

24 SECTION 3. This Act takes effect September 1, 2017.