

1 AN ACT

2 relating to abandoned, wrecked, dismantled, discarded, and  
3 inoperable aircraft and vessels.

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

5 SECTION 1. Section 31.003, Parks and Wildlife Code, is  
6 amended by adding Subdivision (17) to read as follows:

7 (17) "Abandoned vessel or outboard motor" means a  
8 vessel or outboard motor that has remained on private property  
9 without the consent of the owner or person in charge of the property  
10 for more than seven consecutive days.

11 SECTION 2. Subchapter B-1, Chapter 31, Parks and Wildlife  
12 Code, is amended by adding Section 31.0466 to read as follows:

13 Sec. 31.0466. TITLE FOR ABANDONED VESSEL; BOND. (a) A  
14 person may apply for a certificate of title for an abandoned vessel  
15 or outboard motor found on the person's property.

16 (b) The department may cancel the certificate for the  
17 abandoned vessel or outboard motor and issue a new certificate to  
18 the applicant if the applicant:

19 (1) executes and files a bond with the department:

20 (A) in the form prescribed by the department;

21 (B) issued by a person authorized to act as a  
22 surety business in this state;

23 (C) in an amount equal to 1-1/2 times the value of  
24 the abandoned vessel or outboard motor as determined by the

1 department; and

2 (D) conditioned to indemnify all prior owners and  
3 lienholders and all subsequent purchasers of the abandoned vessel  
4 or outboard motor or persons who acquire a security interest in the  
5 vessel or outboard motor, and their successors in interest, against  
6 any expense, loss, or damage, including reasonable attorney's fees,  
7 resulting from:

8 (i) the issuance of the certificate of  
9 title for the abandoned vessel or outboard motor; or

10 (ii) a defect in or undisclosed security  
11 interest in the right, title, or interest of the applicant to or in  
12 the abandoned vessel or outboard motor;

13 (2) proves to the satisfaction of the department that:

14 (A) the abandoned vessel or outboard motor is not  
15 stolen;

16 (B) issuance of a certificate of title would not  
17 defraud the owner or a lienholder of the abandoned vessel or  
18 outboard motor;

19 (C) at least 30 days before the applicant applied  
20 for the certificate, the applicant contacted the applicant's local  
21 law enforcement agency through certified mail to report that the  
22 vessel or outboard motor is abandoned; and

23 (D) the local law enforcement agency has not  
24 taken the abandoned vessel or outboard motor into custody or  
25 informed the applicant of the agency's intent to take the abandoned  
26 vessel or outboard motor into custody; and

27 (3) posts notice of the certificate of title

1 application in the manner and for a period of time designated by  
2 rule by the department.

3 (c) A person described by Subsection (b)(1)(D) has a right  
4 of action to recover on the bond for a breach of a condition of the  
5 bond described by Subsection (b)(1)(D). The aggregate liability of  
6 the surety to all persons may not exceed the amount of the bond.

7 (d) A bond filed under this section expires on the third  
8 anniversary of the date the bond became effective. The department  
9 shall return an expired bond to the person who filed the bond unless  
10 the department has been notified of a pending action to recover on  
11 the bond.

12 (e) On return of a bond under Subsection (d), the department  
13 shall issue a certificate of title to the person to whom the bond is  
14 returned.

15 (f) If an abandoned vessel or outboard motor is not claimed  
16 before the department issues a certificate of title under this  
17 section, the owner or lienholder waives all rights and interests in  
18 the abandoned vessel or outboard motor and consents to the  
19 cancellation of the certificate for the abandoned vessel or  
20 outboard motor.

21 (g) The applicant for the certificate of title for the  
22 abandoned vessel or outboard motor takes title free and clear of all  
23 liens and claims of ownership.

24 (h) In addition to the situation described by Subsection  
25 (b)(2), the commission by rule may define acceptable situations in  
26 which certificates of title may be issued after the filing of a bond  
27 under this section.

1        (i) This section does not apply to a vessel or outboard  
2 motor that is subject to a contract or lien under Chapter 59 or 70,  
3 Property Code.

4        SECTION 3. Section 683.001, Transportation Code, is amended  
5 by adding Subdivision (11) to read as follows:

6                (11) "Aircraft" has the meaning assigned by Section  
7 24.001.

8        SECTION 4. Section 683.011, Transportation Code, is amended  
9 to read as follows:

10        Sec. 683.011. AUTHORITY TO TAKE ABANDONED MOTOR VEHICLE  
11 INTO CUSTODY. (a) A law enforcement agency may take into custody  
12 an abandoned motor vehicle, aircraft, watercraft, or outboard motor  
13 found on public or private property.

14        (b) A law enforcement agency may use agency personnel,  
15 equipment, and facilities or contract for other personnel,  
16 equipment, and facilities to remove, preserve, store, send notice  
17 regarding, and dispose of an abandoned motor vehicle, aircraft,  
18 watercraft, or outboard motor taken into custody by the agency  
19 under this subchapter.

20        SECTION 5. Section 683.012, Transportation Code, is amended  
21 by amending Subsections (a), (b), (c), and (d) and adding  
22 Subsection (a-1) to read as follows:

23        (a) A law enforcement agency shall send notice of  
24 abandonment to:

25                (1) the last known registered owner of each motor  
26 vehicle, aircraft, watercraft, or outboard motor taken into custody  
27 by the agency or for which a report is received under Section

1 683.031; and

2 (2) each lienholder recorded;

3 (A) under Chapter 501 for the motor vehicle;

4 (B) with the Federal Aviation Administration or  
5 the secretary of state for the aircraft; or

6 (C) under Chapter 31, Parks and Wildlife Code,  
7 for the watercraft or outboard motor.

8 (a-1) A law enforcement agency that takes into custody an  
9 aircraft shall contact the Federal Aviation Administration in the  
10 manner described by Section 22.901 to attempt to identify the owner  
11 of the aircraft before sending the notice required by Subsection  
12 (a).

13 (b) The notice under Subsection (a) must:

14 (1) be sent by certified mail not later than the 10th  
15 day after the date the agency:

16 (A) takes the abandoned motor vehicle, aircraft,  
17 watercraft, or outboard motor into custody; or

18 (B) receives the report under Section 683.031;

19 (2) specify the year, make, model, and identification  
20 number of the item;

21 (3) give the location of the facility where the item is  
22 being held;

23 (4) inform the owner and lienholder of the right to  
24 claim the item not later than the 20th day after the date of the  
25 notice on payment of:

26 (A) towing, preservation, and storage charges;

27 or

1 (B) garagekeeper's charges and fees under  
2 Section 683.032 and, if the vehicle is a commercial motor vehicle  
3 impounded under Section 644.153(q), the delinquent administrative  
4 penalty and costs; and

5 (5) state that failure of the owner or lienholder to  
6 claim the item during the period specified by Subdivision (4) is:

7 (A) a waiver by that person of all right, title,  
8 and interest in the item; and

9 (B) consent to the sale of the item at a public  
10 auction.

11 (c) Notice by publication in one newspaper of general  
12 circulation in the area where the motor vehicle, aircraft,  
13 watercraft, or outboard motor was abandoned is sufficient notice  
14 under this section if:

15 (1) the identity of the last registered owner cannot  
16 be determined;

17 (2) the registration has no address for the owner; or

18 (3) the determination with reasonable certainty of the  
19 identity and address of all lienholders is impossible.

20 (d) Notice by publication:

21 (1) must be published in the same period that is  
22 required by Subsection (b) for notice by certified mail and contain  
23 all of the information required by that subsection; and

24 (2) may contain a list of more than one abandoned motor  
25 vehicle, aircraft, watercraft, or outboard motor.

26 SECTION 6. Section 683.013, Transportation Code, is amended  
27 to read as follows:

1           Sec. 683.013. STORAGE FEES. A law enforcement agency or the  
2 agent of a law enforcement agency that takes into custody an  
3 abandoned motor vehicle, aircraft, watercraft, or outboard motor is  
4 entitled to reasonable storage fees:

5           (1) for not more than 10 days, beginning on the day the  
6 item is taken into custody and ending on the day the required notice  
7 is mailed; and

8           (2) beginning on the day after the day the agency mails  
9 notice and ending on the day accrued charges are paid and the  
10 vehicle, aircraft, watercraft, or outboard motor is removed.

11           SECTION 7. Sections 683.014(a) and (c), Transportation  
12 Code, are amended to read as follows:

13           (a) If an abandoned motor vehicle, aircraft, watercraft, or  
14 outboard motor is not claimed under Section 683.012:

15           (1) the owner or lienholder:

16           (A) waives all rights and interests in the item;  
17 and

18           (B) consents to the sale of the item by public  
19 auction or the transfer of the item, if a watercraft, as provided by  
20 Subsection (d); and

21           (2) the law enforcement agency may sell the item at a  
22 public auction, transfer the item, if a watercraft, as provided by  
23 Subsection (d), or use the item as provided by Section 683.016.

24           (c) The purchaser of a motor vehicle, aircraft, watercraft,  
25 or outboard motor:

26           (1) takes title free and clear of all liens and claims  
27 of ownership;

1           (2) shall receive a sales receipt from the law  
2 enforcement agency; and

3           (3) is entitled to register the motor vehicle,  
4 aircraft, watercraft, or outboard motor with and receive a  
5 certificate of title from the appropriate authority.

6           SECTION 8. Sections 683.015(a) and (c), Transportation  
7 Code, are amended to read as follows:

8           (a) A law enforcement agency is entitled to reimbursement  
9 from the proceeds of the sale of an abandoned motor vehicle,  
10 aircraft, watercraft, or outboard motor for:

11                 (1) the cost of the auction;

12                 (2) towing, preservation, and storage fees resulting  
13 from the taking into custody; and

14                 (3) the cost of notice or publication as required by  
15 Section 683.012.

16           (c) After the period provided by Subsection (b), proceeds  
17 unclaimed by the owner or lienholder shall be deposited in an  
18 account that may be used for the payment of auction, towing,  
19 preservation, storage, and notice and publication fees resulting  
20 from taking other vehicles, aircraft, watercraft, or outboard  
21 motors into custody if the proceeds from the sale of the other items  
22 are insufficient to meet those fees.

23           SECTION 9. Section 683.071, Transportation Code, is amended  
24 to read as follows:

25           Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this  
26 subchapter, "junked vehicle" means a vehicle that:

27                 (1) is self-propelled; and [+



1           ~~[(1) does not have lawfully attached to it,~~  
2                   ~~[(A) an unexpired license plate, and~~  
3                   ~~[(B) a valid motor vehicle inspection~~  
4 ~~certificate, and]~~

5           (2) is:

6                   (A) wrecked, dismantled or partially dismantled,  
7 or discarded; or

8                   (B) inoperable and has remained inoperable for  
9 more than:

10                         (i) 72 consecutive hours, if the vehicle is  
11 on public property; or

12                         (ii) 30 consecutive days, if the vehicle is  
13 on private property.

14           (b) For purposes of this subchapter, "junked vehicle"  
15 includes a motor vehicle, aircraft, or watercraft. This subchapter  
16 applies only to:

17                   (1) a motor vehicle that does not have lawfully  
18 attached to it:

19                                 (A) an unexpired license plate; and

20                                 (B) a valid motor vehicle inspection  
21 certificate;

22                   (2) an aircraft that does not have lawfully printed on  
23 the aircraft an unexpired federal aircraft identification number  
24 registered under Federal Aviation Administration aircraft  
25 registration regulations in 14 C.F.R. Part 47; or

26                   (3) a watercraft that:

27                                 (A) does not have lawfully on board an unexpired

1 certificate of number; and

2 (B) is not a watercraft described by Section  
3 31.055, Parks and Wildlife Code.

4 SECTION 10. Section 683.074, Transportation Code, is  
5 amended by amending Subsection (f) and adding Subsection (h) to  
6 read as follows:

7 (f) On receipt of notice of removal of a motor vehicle under  
8 Subsection (b)(3), the department shall immediately cancel the  
9 certificate of title issued for the vehicle.

10 (h) On receipt of notice of removal of a watercraft under  
11 Subsection (b)(3), the department shall notify the Parks and  
12 Wildlife Department of the removal. On receipt of the notice from  
13 the department, the Parks and Wildlife Department shall immediately  
14 cancel the certificate of title issued for the watercraft.

15 SECTION 11. Section 683.076(d), Transportation Code, is  
16 amended to read as follows:

17 (d) If the information is available at the location of the  
18 nuisance, a resolution or order requiring removal of the nuisance  
19 must include:

20 (1) for a motor vehicle, the vehicle's:

21 (A) [~~1~~] description;

22 (B) [~~2~~] vehicle identification number; and

23 (C) [~~3~~] license plate number;

24 (2) for an aircraft, the aircraft's:

25 (A) description; and

26 (B) federal aircraft identification number as

27 described by Federal Aviation Administration aircraft registration

1 regulations in 14 C.F.R. Part 47; and

2 (3) for a watercraft, the watercraft's:

3 (A) description; and

4 (B) identification number as set forth in the

5 watercraft's certificate of number.

6 SECTION 12. This Act takes effect September 1, 2011.

*Lytham*  
President of the Senate

*Joe Straus*  
Speaker of the House

I certify that H.B. No. 787 was passed by the House on April 21, 2011, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

*Robert Haney*  
Chief Clerk of the House

I certify that H.B. No. 787 was passed by the Senate on May 24, 2011, by the following vote: Yeas 31, Nays 0.

*Patsy Spaw*  
Secretary of the Senate

APPROVED: 17 JUN '11

Date

*RICK PERRY*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

*Debra M. Edwards*  
Secretary of State