

BILL ANALYSIS

Senate Research Center
77R638 DWS-D

H.B. 115
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Criminal Justice
5/11/2001
Engrossed

DIGEST AND PURPOSE

A vehicle that has been extensively damaged by floodwaters may be hazardous to drive. Automobile dealers who have knowledge that a vehicle has been damaged by floodwaters may fail to advise a prospective purchaser of the damage done to the vehicle. H.B. 115 requires a dealer of motor vehicles to provide a prospective buyer, prior to completion of the sale of a vehicle, notice that the vehicle has been submerged in water. The bill renders the sale of such a vehicle void if the notice is not supplied to the buyer, and provides a penalty for dealers who fail to provide the notice or provide misleading information in connection with the sale of the vehicle.

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 Chapter 17, Business & Commerce Code, by adding Section 17.13, as follows:

Sec. 17.13. SELLING FLOOD-DAMAGED MOTOR VEHICLE. Sets forth provisions regarding the sale of a flood-damaged motor vehicle.

SECTION 2. Amends Article 59.01(2), Code of Criminal Procedure, to redefine "contraband."

SECTION 3. Amends Article 59.06, Code of Criminal Procedure, by adding Subsection (p), to prohibit the motor vehicle, if the forfeited property is a motor vehicle that was the subject of an offense under Section 17.13, Business & Commerce Code, from being sold to a person who has not been provided a notice as provided by that section.

SECTION 4. Effective date: September 1, 2001.