

TRANSPORTATION CODE  
TITLE 7. VEHICLES AND TRAFFIC  
SUBTITLE H. PARKING, TOWING, AND STORAGE OF VEHICLES  
CHAPTER 683. ABANDONED MOTOR VEHICLES  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 683.001. DEFINITIONS. In this chapter:

- (1) "Department" means the Texas Department of Motor Vehicles.
- (2) "Garagekeeper" means an owner or operator of a storage facility.
- (3) "Law enforcement agency" means:
  - (A) the Department of Public Safety;
  - (B) the police department of a municipality;
  - (C) the police department of an institution of higher education; or
  - (D) a sheriff or a constable.
- (4) "Motor vehicle" means a vehicle that is subject to registration under Chapter [501](#).
- (5) "Motor vehicle demolisher" means a person in the business of:
  - (A) converting motor vehicles into processed scrap or scrap metal; or
  - (B) wrecking or dismantling motor vehicles.
- (6) "Outboard motor" means an outboard motor subject to registration under Chapter [31](#), Parks and Wildlife Code.
- (7) "Storage facility" includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.
- (8) "Watercraft" means a vessel subject to registration under Chapter [31](#), Parks and Wildlife Code.
- (9) "Abandoned nuisance vehicle" means a motor vehicle that is at least 10 years old and is of a condition only to be junked, crushed, or dismantled.
- (10) "Vehicle storage facility" means a vehicle storage facility, as defined by Section [2303.002](#), Occupations Code, that is operated by a person who holds a license issued under Chapter 2303 of that code to operate that vehicle storage facility.
- (11) "Aircraft" has the meaning assigned by Section [24.001](#).

Sec. 683.002. ABANDONED MOTOR VEHICLE. (a) For the purposes of this chapter, a motor vehicle is abandoned if the motor vehicle:

- (1) is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
  - (2) has remained illegally on public property for more than 48 hours;
  - (3) has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
  - (4) has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
  - (5) has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation or a controlled access highway; or
  - (6) is considered an abandoned motor vehicle under Section [644.153\(r\)](#).
- (b) In this section, "controlled access highway" has the meaning assigned by Section [541.302](#).

SUBCHAPTER B. ABANDONED MOTOR VEHICLES: SEIZURE AND AUCTION

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

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

Sec. 683.012. TAKING ABANDONED MOTOR VEHICLE INTO CUSTODY: NOTICE. (a) A law enforcement agency shall send notice of abandonment to:

- (1) the last known registered owner of each motor vehicle, aircraft, watercraft, or outboard motor taken into custody by the agency or for which a report is received under Section 683.031; and
  - (2) each lienholder recorded:
    - (A) under Chapter 501 for the motor vehicle;
    - (B) with the Federal Aviation Administration or the secretary of state for the aircraft; or
    - (C) under Chapter 31, Parks and Wildlife Code, for the watercraft or outboard motor.
- (a-1) A law enforcement agency that takes into custody an aircraft shall contact the Federal Aviation Administration in the manner described by Section 22.901 to attempt to identify the owner of the aircraft before sending the notice required by Subsection (a).
- (b) The notice under Subsection (a) must:
- (1) be sent by certified mail not later than the 10th day after the date the agency:
    - (A) takes the abandoned motor vehicle, aircraft, watercraft, or outboard motor into custody; or
    - (B) receives the report under Section 683.031;
  - (2) specify the year, make, model, and identification number of the item;
  - (3) give the location of the facility where the item is being held;
  - (4) inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:
    - (A) towing, preservation, and storage charges; or
    - (B) garagekeeper's charges and fees under Section 683.032 and, if the vehicle is a commercial motor vehicle impounded under Section 644.153(q), the delinquent administrative penalty and costs; and
  - (5) state that failure of the owner or lienholder to claim the item during the period specified by Subdivision (4) is:
    - (A) a waiver by that person of all right, title, and interest in the item; and
    - (B) consent to the sale of the item at a public auction.
- (c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, aircraft, watercraft, or outboard motor was abandoned is sufficient notice under this section if:
- (1) the identity of the last registered owner cannot be determined;
  - (2) the registration has no address for the owner; or
  - (3) the determination with reasonable certainty of the identity and address of all lienholders is impossible.
- (d) Notice by publication:
- (1) must be published in the same period that is required by Subsection (b) for notice by certified mail and contain all of the information required by that subsection; and
  - (2) may contain a list of more than one abandoned motor vehicle, aircraft, watercraft, or outboard motor.
- (e) A law enforcement agency is not required to send a notice, as otherwise required by Subsection (a), if the agency has received notice from a vehicle storage facility that an application has or will be submitted to the department for the disposal of the vehicle.
- (f) In addition to the notice required under Subsection (a), if a law enforcement agency takes an abandoned motor vehicle into custody, the agency shall notify a person that files a theft report or similar report prepared by any law enforcement agency for the vehicle of that fact. The notice must be sent by regular mail on the next business day after the agency takes the vehicle into custody. The law enforcement agency shall also provide the name and address of the person that filed the theft report or similar report to the vehicle storage facility or governmental vehicle storage facility that is storing the vehicle.

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

- (1) for not more than 10 days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and
- (2) beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, aircraft, watercraft, or outboard motor is removed.

Sec. 683.014. AUCTION OR USE OF ABANDONED ITEMS; WAIVER OF RIGHTS. (a) If an abandoned motor vehicle, aircraft, watercraft, or outboard motor is not claimed under Section 683.012:

- (1) the owner or lienholder:

- (A) waives all rights and interests in the item; and
  - (B) consents to the sale of the item by public auction or the transfer of the item, if a watercraft, as provided by Subsection (d); and
- (2) the law enforcement agency may sell the item at a public auction, transfer the item, if a watercraft, as provided by Subsection (d), or use the item as provided by Section [683.016](#).
- (b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.
- (c) The purchaser of a motor vehicle, aircraft, watercraft, or outboard motor:
- (1) takes title free and clear of all liens and claims of ownership;
  - (2) shall receive a sales receipt from the law enforcement agency; and
  - (3) is entitled to register the motor vehicle, aircraft, watercraft, or outboard motor with and receive a certificate of title from the appropriate authority.
- (d) On consent of the Parks and Wildlife Department, the law enforcement agency may transfer a watercraft that is not claimed under Section [683.012](#) to the Parks and Wildlife Department for use as part of an artificial reef under Chapter [89](#), Parks and Wildlife Code, or for other use by the Parks and Wildlife Department permitted under the Parks and Wildlife Code. On transfer of the watercraft, the Parks and Wildlife Department:
- (1) takes title free and clear of all liens and claims of ownership; and
  - (2) is entitled to register the watercraft and receive a certificate of title.

Sec. 683.015. AUCTION PROCEEDS. (a) A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for:

- (1) the cost of the auction;
  - (2) towing, preservation, and storage fees resulting from the taking into custody; and
  - (3) the cost of notice or publication as required by Section [683.012](#).
- (b) After deducting the reimbursement allowed under Subsection (a), the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.
- (c) After the period provided by Subsection (b), proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking other vehicles, aircraft, watercraft, or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.
- (d) A municipality or county may transfer funds in excess of \$1,000 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency or, if the vehicle, aircraft, watercraft, or outboard motor was located in a county with a population of less than 150,000, by the attorney representing the state.
- (e) If the vehicle is a commercial motor vehicle impounded under Section [644.153](#)(q), the Department of Public Safety is entitled from the proceeds of the sale to an amount equal to the amount of the delinquent administrative penalty and costs.
- (f) A law enforcement agency or an attorney representing the state may use funds transferred under Subsection (d) to compensate property owners whose property was damaged as a result of a pursuit involving a law enforcement agency or a federal law enforcement agency, regardless of whether the agency would be liable under Chapter [101](#), Civil Practice and Remedies Code.
- (g) Before a law enforcement agency or an attorney representing the state may compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), the sheriff, constable, or attorney representing the state must submit the proposed payment for compensation for consideration, and the commissioners court shall consider the proposed payment for compensation, at the next regularly scheduled meeting of the commissioners court.
- (h) In this section, "attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

Sec. 683.016. LAW ENFORCEMENT AGENCY USE OF CERTAIN ABANDONED MOTOR VEHICLES. (a) The law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under Section [683.012](#) may:

- (1) use the vehicle for agency purposes; or
- (2) transfer the vehicle to any other municipal or county agency, a groundwater conservation district governed by Chapter [36](#), Water Code, or a school district for the use of that agency or district.

- (b) The law enforcement agency shall auction the vehicle as provided by this subchapter if the law enforcement agency or the municipal or county agency, groundwater conservation district, or school district to which the vehicle was transferred under Subsection (a) discontinues use of the vehicle.
- (c) This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien.
- (d) This section does not apply to a vehicle that is:
  - (1) taken into custody by a law enforcement agency located in a county with a population of 3.3 million or more; and
  - (2) removed to a privately owned storage facility.
- (e) A law enforcement agency must comply with the notice requirements of Section [683.012](#) before the law enforcement agency may transfer a vehicle under Subsection (a)(2).

#### SUBCHAPTER C. VEHICLE ABANDONED IN STORAGE FACILITY

- Sec. 683.031. GARAGEKEEPER'S DUTY: ABANDONED MOTOR VEHICLES. (a) A motor vehicle is abandoned if the vehicle is left in a storage facility operated for commercial purposes after the 10th day after the date on which:
- (1) the garagekeeper gives notice by registered or certified mail, return receipt requested, to the last known registered owner of the vehicle and to each lienholder of record of the vehicle under Chapter [501](#) to remove the vehicle;
  - (2) a contract for the vehicle to remain on the premises of the facility expires; or
  - (3) the vehicle was left in the facility, if the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.
- (b) If notice sent under Subsection (a)(1) is returned unclaimed by the post office, substituted notice is sufficient if published in one newspaper of general circulation in the area where the vehicle was left.
- (c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located and shall pay a \$10 fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle.
- (d) The garagekeeper shall retain custody of an abandoned motor vehicle until the law enforcement agency takes the vehicle into custody under Section [683.034](#).

- Sec. 683.032. GARAGEKEEPER'S FEES AND CHARGES. (a) A garagekeeper who acquires custody of a motor vehicle for a purpose other than repair is entitled to towing, preservation, and notification charges and reasonable storage fees, in addition to storage fees earned under a contract, for each day:
- (1) not to exceed five days, until the notice described by Section [683.031](#)(a) is mailed; and
  - (2) after notice is mailed, until the vehicle is removed and all accrued charges are paid.
- (b) A garagekeeper who fails to report an abandoned motor vehicle to a law enforcement agency within seven days after the date it is abandoned may not claim reimbursement for storage of the vehicle.
- (c) This subchapter does not impair any lien that a garagekeeper has on a vehicle except for the termination or limitation of claim for storage for the failure to report the vehicle to the law enforcement agency.

- Sec. 683.033. UNAUTHORIZED STORAGE FEE; OFFENSE. (a) A person commits an offense if the person charges a storage fee for a period for which the fee is not authorized by Section [683.032](#).
- (b) An offense under this subsection is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000.

- Sec. 683.034. DISPOSAL OF VEHICLE ABANDONED IN STORAGE FACILITY. (a) A law enforcement agency shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under Section [683.012](#). In this section, a law enforcement agency has custody if the agency:
- (1) has physical custody of the vehicle;
  - (2) has given notice to the storage facility that the law enforcement agency intends to dispose of the vehicle under this section; or
  - (3) has received a report under Section [683.031](#)(c) and the garagekeeper has met all of the requirements of that subsection.
- (b) The law enforcement agency may use the vehicle as authorized by Section [683.016](#) or sell the vehicle at auction as provided by Section [683.014](#). If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's

charges for providing notice regarding the vehicle and for service, towing, impoundment, storage, and repair of the vehicle.

(c) As compensation for expenses incurred in taking the vehicle into custody and selling it, the law enforcement agency shall retain:

- (1) two percent of the gross proceeds of the sale of the vehicle; or
- (2) all the proceeds if the gross proceeds of the sale are less than \$10.

(d) Surplus proceeds shall be distributed as provided by Section [683.015](#).

(e) If the law enforcement agency does not take the vehicle into custody before the 31st day after the date the vehicle was reported abandoned under Section [683.031](#):

- (1) the law enforcement agency may not take the vehicle into custody; and
- (2) the storage facility may dispose of the vehicle under:

(A) Chapter [70](#), Property Code, except that notice under Section [683.012](#) satisfies the notice requirements of that chapter; or

(B) Chapter [2303](#), Occupations Code, if the storage facility is a vehicle storage facility.

#### SUBCHAPTER D. DEMOLITION OF ABANDONED MOTOR VEHICLES

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF CERTAIN MOTOR VEHICLES. A person may apply to the department for authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:

- (A) the person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty; or
- (B) the vehicle is an abandoned motor vehicle and is:
  - (i) in the possession of the person; or
  - (ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the abandoned motor vehicle:

- (i) is in the possession of the person;
- (ii) is more than eight years old;
- (iii) either has no motor or is otherwise totally inoperable or does not comply with all applicable air

pollution emissions control related requirements included in the vehicle emissions inspection and maintenance requirements contained in the Public Safety Commission's motor vehicle emissions inspection and maintenance program under Subchapter F, Chapter [548](#), or the state's air quality state implementation plan; and

(iv) was authorized to be towed by a law enforcement agency; and

(B) the law enforcement agency approves the application.

Sec. 683.052. CONTENTS OF APPLICATION; APPLICATION FEE. (a) An application under Section [683.051](#) must:

(1) contain the name and address of the applicant;

(2) state the year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying feature of the vehicle; and

(3) include:

- (A) a concise statement of facts about the abandonment;
- (B) a statement that the certificate of title is lost or destroyed; or
- (C) a statement of the reasons for the defect in the owner's certificate of title for the vehicle.

(b) An application under Section [683.051](#)(2) must also include an affidavit containing a statement of the facts that make that subdivision applicable.

(c) The applicant shall make an affidavit stating that:

- (1) the facts stated in the application are true; and
- (2) no material fact has been withheld.

(d) The application must be accompanied by a fee of \$2, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

Sec. 683.053. DEPARTMENT TO PROVIDE NOTICE. Except as provided by Section [683.054](#)(b), the department shall give notice as provided by Section [683.012](#) if it determines that an application under Section [683.051](#) is:

(1) executed in proper form; and

(2) shows that:

(A) the abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or

(B) the vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle.

Sec. 683.054. CERTIFICATE OF AUTHORITY TO DISPOSE OF VEHICLE. (a) The department shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if notice under Section 683.053 was given and the vehicle was not claimed as provided by the notice.

(b) Without giving the notice required by Section 683.053, the department may issue to an applicant under Section 683.051(2) a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle meets the requirements of Sections 683.051(2)(A)(ii) and (iii).

(c) A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle.

Sec. 683.055. RULES AND FORMS. The department may adopt rules and prescribe forms to implement Sections 683.051-683.054.

Sec. 683.056. DEMOLISHER'S DUTY. (a) A motor vehicle demolisher who acquires a motor vehicle for dismantling or demolishing shall obtain from the person delivering the vehicle:

(1) the motor vehicle's certificate of title;

(2) a sales receipt for the motor vehicle;

(3) a transfer document for the vehicle as provided by Subchapter B or Subchapter E; or

(4) a certificate of authority for the disposal of the motor vehicle.

(b) A demolisher is not required to obtain a certificate of title for the vehicle in the demolisher's name.

(c) On the department's demand, the demolisher shall surrender for cancellation the certificate of title or certificate of authority.

(d) The department shall adopt rules and forms necessary to regulate the surrender of auction sales receipts and certificates of title.

Sec. 683.057. DEMOLISHER'S RECORDS; OFFENSE. (a) A motor vehicle demolisher shall keep a record of a motor vehicle that is acquired in the course of business.

(b) The record must contain:

(1) the name and address of the person from whom the vehicle was acquired; and

(2) the date of acquisition of the vehicle.

(c) The demolisher shall keep the record until the first anniversary of the date of acquisition of the vehicle.

(d) The record shall be open to inspection by the department or any law enforcement agency at any time during normal business hours.

(e) A motor vehicle demolisher commits an offense if the demolisher fails to keep a record as provided by this section.

(f) An offense under Subsection (e) is a misdemeanor punishable by:

(1) a fine of not less than \$100 or more than \$1,000;

(2) confinement in the county jail for a term of not less than 10 days or more than six months; or

(3) both the fine and confinement.