

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Rodriguez, A. M. offered the following:

Amendment

Remove lines 176-241 and insert:

6 (14) (a) For purposes of this section, the term "third-
 7 party notification service" means a qualified business entity
 8 that, upon a request submitted through a website by a towing-
 9 storage operator:

10 1. Accesses the Department of Highway Safety and Motor
 11 Vehicles' database and the National Motor Vehicle Title
 12 Information System, or an equivalent commercially available
 13 system, to obtain any owner, lienholder, or insurer information
 14 necessary for sending a notice required by this section.

15 2. Electronically generates, and provides for the printing
 16 and mailing of, the notice on behalf of the towing-storage

Amendment No.

17 operator.

18 3. Electronically returns tracking information or other
19 proof of mailing and delivery of the notice to the towing-
20 storage operator.

21 4. Electronically reports to the department using an
22 Internet interface the following information, as applicable:

23 a. The vehicle identification number.

24 b. The vessel registration number or vessel hull
25 identification number.

26 c. The license plate number of the vehicle or vessel.

27 d. The name and address of the towing-storage operator.

28 e. The physical location of the vehicle or vessel.

29 f. The date the vehicle or vessel was towed.

30 g. The amount of towing and storage charges owed as of the
31 date the notice is generated.

32 h. The date that the notice is mailed and delivered.

33 i. Other information required by the department.

34 (b) A third-party notification service must apply to the
35 department and be approved in order to provide notices under
36 this section. The department shall prescribe the format for such
37 applications. The department may approve a third-party
38 notification service applicant to provide the services described
39 in paragraph (a) if the applicant:

40 1. Provides the department with a performance bond in the
41 amount of \$1 million issued by a surety company authorized to do

Amendment No.

42 business in the state;

43 2. Submits a level 2 internal control and data security
44 audit, or the equivalent, which must have been conducted within
45 1 year before applying to the department, from an independent
46 certified public accountant licensed in the state; and

47 3. Successfully demonstrates its ability to electronically
48 report to the department the information required in
49 subparagraph (a)4.

50

51 After initial approval by the department, to remain eligible to
52 provide notices under this section, a third-party notification
53 service must annually submit proof to the department that it has
54 maintained the performance bond required in subparagraph (b)1.
55 and has had an acceptable audit within the past 12 months as
56 required in subparagraph (b)2.

57 (c) The department may deny, suspend, or revoke approval
58 of a third-party notification service if the department
59 determines that the third-party notification service has
60 committed an act of fraud or misrepresentation related to a
61 notice required by this section.

62 (d) A third-party notification service must maintain all
63 records related to providing notices under this section for 5
64 years and allow the department to inspect and copy such records
65 upon request. The records may be maintained in electronic
66 format.

Amendment No.

67 (e) If the department does not approve any third-party
68 notification services, the towing-storage operator may send any
69 notice required by this section on his or her own behalf and
70 must, upon submission of an application for a certificate of
71 title or certificate of destruction, comply with subsection (4).