

TRANSPORTATION CODE

CHAPTER 728. SALE OR TRANSFER OF MOTOR VEHICLES AND MASTER KEYS  
SUBCHAPTER A. SALE OF MOTOR VEHICLES ON CONSECUTIVE SATURDAY AND  
SUNDAY

Sec. 728.001. DEFINITIONS. In this subchapter:

(1) "Employer" means a person who:  
(A) owns a facility that sells or offers for sale motor vehicles; or  
(B) has the authority to determine the hours of operation of the facility.

(2) "Motor vehicle" means a self-propelled vehicle of two or more wheels designed to transport a person or property.  
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 728.002. SALE OF MOTOR VEHICLES ON CONSECUTIVE SATURDAY AND SUNDAY PROHIBITED. (a) A person may not, on consecutive days of Saturday and Sunday:

(1) sell or offer for sale a motor vehicle; or  
(2) compel an employee to sell or offer for sale a motor vehicle.

(b) Each day a motor vehicle is offered for sale is a separate violation. Each sale of a motor vehicle is a separate violation.

(c) This section does not prohibit the occasional sale of a motor vehicle by a person not in a business that includes the sale of motor vehicles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 728.003. CIVIL PENALTY. (a) A person who violates Section 728.002 is subject to a civil penalty of:

(1) not more than \$500 for a first violation;  
(2) not less than \$500 or more than \$1,000 for a second violation; or  
(3) not less than \$1,000 or more than \$5,000 for a third or subsequent violation.

(b) On a finding by the trier of fact that a person wilfully or with conscious indifference violated Section 728.002, the court may triple the penalty due under Subsection (a).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 728.004. ENFORCEMENT; INJUNCTION. (a) The attorney general or a district, county, or municipal attorney may enforce this subchapter and may bring an action in the county in which a violation is alleged.

(b) The operation of a business in violation of this subchapter is a public nuisance. Any person, including a district, county, or municipal attorney, may obtain an injunction restraining a violation of this subchapter. A person who obtains an injunction under this subsection may recover the person's costs, including court costs and reasonable attorney's fees.

(c) An employer is a necessary party to an action brought against its employee under this section. An employer is strictly liable for all amounts, including civil penalties, damages, costs, and attorney's fees, resulting from a violation of Section 728.002 by its employee.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER B. SALE OF MASTER KEY FOR MOTOR VEHICLE IGNITIONS

Sec. 728.011. SALE OF MASTER KEY FOR MOTOR VEHICLE IGNITIONS. (a) A person commits an offense if the person sells or offers to sell a master key knowingly designed to fit the ignition switch on more than one motor vehicle.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$25 or more than \$200.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER C. TRANSFER OF OWNERSHIP OF CERTAIN EMERGENCY VEHICLES

Sec. 728.021. TRANSFER OF OWNERSHIP OF CERTAIN EMERGENCY VEHICLES; OFFENSE. (a) The owner of an authorized emergency vehicle that is used to transport sick or injured persons commits an offense if the owner transfers ownership of the vehicle without:

(1) removing from the vehicle any vehicle equipment, including a light, siren, or device, that under Subtitle C only an authorized emergency vehicle may be equipped with; and

(2) removing or obliterating any emblem or marking on the vehicle that identifies the vehicle as an authorized emergency vehicle.

(b) Subsection (a) does not apply if the owner of the vehicle transfers ownership of the vehicle to a person:

(1) who holds a license as an emergency medical

services provider under Chapter 773, Health and Safety Code;

(2) who is in the business of buying and selling used vehicles in this state and who specializes in authorized emergency vehicles; or

(3) described by Section 541.201 or a similar person operating in a foreign country.

(c) An offense under this section is a Class C misdemeanor.

(d) In this section:

(1) "Authorized emergency vehicle" has the meaning assigned by Section 541.201.

(2) "Vehicle equipment" has the meaning assigned by Section 547.001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.