

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1401
By: Palmer (Harris)
Intergovernmental Relations
5-15-97
Committee Report (Substituted)

DIGEST

Currently, Section 396.021 of the Transportation Code states that an automotive wrecking and salvage yard that is located within 1,000 feet of a right-of-way must be screened with a solid barrier fence at least eight feet high and painted a natural earth tone color. Section 396.022, Transportation Code, states that an automotive wrecking and salvage yard may not accumulate salvaged materials to a height exceeding eight feet above ground level, and the yard may not extend to within 50 feet of a right-of-way. Presently, a salvage yard operator who violates these provisions, including the provision which prohibits operation within 50 feet of a right-of-way, is not subject to any minimum fine. Section 396.041 of the Transportation Code allows for a county to issue and renew licenses to operate automotive wrecking and salvage yards; however, the fee for such a license is capped at \$25, which does not accurately reflect the costs for processing the investigation for each licensee. C.S.H.B. 1401 would implement a \$100 minimum fine and a \$500 maximum fine for violation of the 50-foot right-of-way requirement and for violations of certain screening requirements. In addition, this bill would allow counties with populations greater than one million that contain two or more municipalities, each of which has a population of 250,000 or more, to impose licensing fees of up to \$150 to recover the costs of processing.

PURPOSE

As proposed, C.S.H.B. 1401 provides for the regulation of automotive wrecking and salvage yards in certain counties; and establishes penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 396.024(b), Transportation Code, to provide that an offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$500, rather than a Class C misdemeanor.

SECTION 2. Amends Section 396.041(c), Transportation Code, to authorize an ordinance to impose a fee of not more than \$150 for the issuance or renewal of a license, if the ordinance is adopted by the commissioners court of a county with a population of one million or more that contains two or more municipalities, each of which has a population of 250,000 or more. Makes a conforming change.

SECTION 3. Amends Section 396.045(b), Transportation Code, to provide that an offense under this section is punishable by a fine of not less than \$100 and not more than \$500, rather than a Class C misdemeanor.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.
Effective date: 90 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 396.041(c), Transportation Code, to delete the provision authorizing an ordinance to impose a fee of \$25 for the issuance or renewal of a license, if the ordinance is adopted by the commissioners court of a county with a population of less than 1,000,000. Changes the terms by which an ordinance is authorized to impose a fee of not more than \$150 for the issuance or renewal of a license.