

BILL ANALYSIS

Senate Research Center

H.B. 2202
By: Bosse (Duncan)
State Affairs
5-13-97
Engrossed

DIGEST

The Texas Department of Transportation may regulate and assess fines against licensed vehicle storage facility operators; however the Vehicle Storage Facility Act does not permit assessment of administrative penalties against unlicensed operators who violate this Act. This bill sets forth provisions regarding the regulation of vehicle storage facilities.

PURPOSE

As proposed, H.B. 2202 sets forth provisions regarding the regulation of vehicle storage facilities.

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 2, Article 6687-9a, V.T.C.S. (Vehicle Storage Facility Act), to define "department," "director," and "person" and to redefine "commission," "vehicle" and "owner of vehicle." Defines "impoundment," rather than "preservation."

SECTION 2. Amends Sections 4(a) and (c), Article 6687-9a, V.T.C.S. to authorize the Texas Department of Transportation (TxDOT), rather than the Texas Transportation Commission (commission), to issue licenses to operate vehicle storage facilities. Makes conforming changes.

SECTION 3. Amends Section 5, Article 6687-9a, V.T.C.S., to make a conforming change.

SECTION 4. Amends Section 7, Article 6687-9a, V.T.C.S., to make a conforming change.

SECTION 5. Amends Section 8, Article 6687-9a, V.T.C.S., to make conforming changes.

SECTION 6. Amends Sections 9(a) and (b), Article 6687-9a, V.T.C.S., to make conforming changes.

SECTION 7. Amends Sections 10(a)-(c), Article 6687-9a, V.T.C.S., to authorize TxDOT to deny, revoke, or suspend an application or license under this article. Makes conforming changes.

SECTION 8. Amends Article 6687-9a, V.T.C.S., by adding Section 10A, as follows:

Sec. 10A. ADMINISTRATIVE PENALTY. Sets forth provisions regarding an administrative penalty to be imposed under Sections 10(c) and 17 of this article for a person who violates Section 5 of this article.

SECTION 9. Amends Section 11, Article 6687-9a, V.T.C.S., to authorize certain persons under this section to request an administrative hearing on revocation or denial of a license. Sets forth provisions regarding a hearing held under this section. Provides that a hearing under this section is an exhaustion of administrative remedies, and an appeal from a hearing is to the district court in Travis County, rather than the court having the jurisdiction over the applicant or license. Makes a standard recodification change.

SECTION 10. Amends Sections 14(d)-(f), Article 6687-9a, V.T.C.S., to authorize the operator of a vehicle storage facility to charge a fee under Subsection (c) in certain circumstances. Prohibits the operator of a vehicle storage facility from charging any additional fees that are similar to notification, impoundment, or administrative fees.

SECTION 11. Amends Section 15, Article 6687-9a, V.T.C.S., to require TxDOT to remit all fees collected under this article for deposit in the general revenue fund, rather than remit all fees collected under this article to the State Treasurer for deposit in the State Treasury to the credit of the general revenue fund.

SECTION 12. Repealer: Section 16, Article 6687-9a, V.T.C.S. (Effect of Hearing on Fees).

SECTION 13. Emergency clause.
Effective date: upon passage.