

BILL ANALYSIS

Senate Research Center
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S.B. 1466
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Transportation & Homeland Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1991, the legislature established the Texas Automobile Theft Prevention Authority to create a statewide effort for the reduction of vehicle theft and to address the growing automobile theft problem in Texas. The authority is funded by a one dollar fee on each insured automobile each year collected by the comptroller of public accounts.

The Automobile Burglary and Theft Prevention Authority (ABTPA), as it is currently known, is charged with assessing the motor vehicle burglary and theft problem in Texas, analyzing methods to reduce the number of incidents, and providing financial support to address the problem.

Additionally, ABTPA offers law enforcement support for combating theft of recreational vehicles, off-highway vehicles, motorcycles, motor-driven cycles, mopeds, personal watercraft, boats, and motor boats.

Despite its successful track record, ABPTA is not expected to receive funding for the next biennium. S.B. 1466 resolves outstanding concerns about ABPTA by changing the name of the authority to the Vehicle and Watercraft Crime Prevention Authority (VWCPA) and expanding its scope to include other vehicles and watercraft. Additionally, the fee collected per policy is raised to \$2.50, with 60 percent deposited to the credit of VWCPA.

As proposed, S.B. 1466 amends current law relating to the powers and duties of the Vehicle and Watercraft Crime Prevention Authority and to the creation of the vehicle and watercraft crime prevention account.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Article 4413(37), Revised Statutes, to read as follows:

Art. 4413(37). VEHICLE AND WATERCRAFT CRIME PREVENTION AUTHORITY

SECTION 2. Amends Section 1, Article 4413(37), Revised Statutes, by amending Subdivisions (1) and (5) and adding Subdivisions (4-a) and (6), to redefine "authority" and "motor vehicle," and to define "economic watercraft theft" and "watercraft."

SECTION 3. Reenacts Section 1(2), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, to define, "economic motor vehicle theft."

SECTION 4. Amends Section 2, Article 4413(37), Revised Statutes, as follows:

Sec. 2. New heading: ESTABLISHMENT OF AUTHORITY. Establishes the Vehicle and Watercraft Crime Prevention Authority (authority), rather than the Automobile

Burglary and Theft Prevention Authority, in the Texas Department of Motor Vehicles (TxDMV). Provides that the authority is not an advisory body to TxDMV.

SECTION 5. Reenacts Section 7(b), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

(b) Requires that the plan of operation include:

- (1) an assessment of the scope of the problems of motor vehicle burglary or theft, watercraft burglary or theft, economic motor vehicle theft, and economic watercraft theft, including particular areas of the state where the problems are greatest;
- (2) an analysis of various methods of combating the problems of motor vehicle burglary or theft, watercraft burglary or theft, economic motor vehicle theft, and economic watercraft theft;
- (3) a plan for providing financial support to combat motor vehicle burglary or theft, watercraft burglary or theft, economic motor vehicle theft, and economic watercraft theft; and
- (4) an estimate of the funds required to implement the plan of operation.

SECTION 6. Reenacts Section 8(a), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

(a) Requires that money appropriated to TxDMV for authority purposes be used by the authority to pay TxDMV for administrative costs and to achieve the purposes of this article, including:

- (1) establishing and funding the motor vehicle registration program required by Section 9 of this article;
- (2) providing financial support to law enforcement agencies for economic motor vehicle theft and economic watercraft theft enforcement teams;
- (3) providing financial support to law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, business, and nonprofit organizations for programs designed to reduce the incidence of economic motor vehicle theft and economic watercraft theft;
- (4) conducting educational programs designed to inform motor vehicle and watercraft owners of methods of preventing motor vehicle and watercraft burglary or theft;
- (5) providing equipment, for experimental purposes, to assist motor vehicle and watercraft owners in preventing motor vehicle and watercraft burglary or theft; and
- (6) establishing a uniform program to prevent stolen motor vehicles and watercraft from entering Mexico.

SECTION 7. Amends Section 10(a), Article 4413(37), Revised Statutes, by adding Subdivision (3) to define "watercraft years of insurance."

SECTION 8. Amends Section 10, Article 4413(37), Revised Statutes, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Requires an insurer to pay to the authority a fee equal to the sum of \$2.50 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer and \$2.50 multiplied by the total number of watercraft years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. Requires that the fee be paid not later than:

(1) March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year.

(e) Requires that sixty percent of each fee collected under Subsection (b) of this section be deposited to the credit of the vehicle and watercraft crime prevention account.

SECTION 9. Amends Article 4413(37), Revised Statutes, by adding Section 10A, as follows:

Sec. 10A. VEHICLE AND WATERCRAFT CRIME PREVENTION ACCOUNT. (a) Provides that the vehicle and watercraft crime prevention account is an account in the general revenue fund that shall be appropriated only to the authority to pay administrative costs and to achieve the purposes of this article.

(b) Provides that the account consists of money deposited to the credit of the account, including money deposited under Section 10(e) of this article.

(c) Requires that interest on the account be credited to the account.

(d) Provides that Section 403.095 (Use of Dedicated Revenue), Government Code, does not apply to the account.

SECTION 10. Reenacts Section 11(a), Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, to define, in this section, "motor vehicle theft rate."

SECTION 11. Provides that the change in law made by this Act applies only to an insurance policy issued, delivered, or renewed on or after the effective date of this Act. Provides that an insurance policy issued, delivered, or renewed before the effective date of this Act is governed by the law in effect on the date the insurance policy was issued, delivered, or renewed, and the former law is continued in effect for that purpose.

SECTION 12. Effective date: September 1, 2011.