

## **BILL ANALYSIS**

Senate Research Center

H.B. 2424  
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Business & Commerce  
5/12/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that the Automobile Burglary and Theft Prevention Authority is funded by a fee charged on all automobile insurance policies. It is further noted that when an insurance company overpays these fees, the company must request a refund within a given period or the request is denied and the overpayments remain with the state. These parties contend that the prescribed period is insufficient for discovery of overpayments and violates provisions of the Texas Constitution relating to takings as well as the United States Constitution. H.B. 2424 seeks to address this issue.

H.B. 2424 amends current law relating to fees paid to the Automobile Burglary and Theft Prevention Authority.

### **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 Section 6A, Article 4413(37), Revised Statutes, by adding Subsections (e) and (f), as follows:

(e) Requires that a request for a refund made under this section, except as provided by Subsection (f), be made not later than four years after the date the payment was made to the authority under Section 10 (Fee) of this article.

(f) Provides that this subsection expires September 1, 2017. Requires an insurer, notwithstanding Subsection (e) of this section, to refile a request for a refund under this section with the authority not later than November 1, 2015, if the request was:

- (1) initially made after January 1, 2010;
- (2) initially made before September 1, 2015; and
- (3) denied before September 1, 2015, solely on the basis of the six-month deadline established by Section 11, Chapter 305 (H.B. 1387), Acts of the 75th Legislature, Regular Session, 1997.

SECTION 2. Repealer: Section 11 (Effective Date), Chapter 305 (H.B. 1387), Acts of the 75th Legislature, Regular Session, 1997.

SECTION 3. Effective date: September 1, 2015.