

BILL ANALYSIS

Senate Research Center
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S.B. 1436
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Intergovernmental Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to increase the setback from a residence for an automotive wrecking and salvage yard by requiring that the distance be measured from the platted residential property line rather than the residential structure.

Automotive wrecking and salvage yards can be havens for pests and vermin and therefore can pose a threat to health and safety in adjacent residential areas. Current law, at Section 396.022(a), Transportation Code, provides that a junkyard or automotive wrecking and salvage yard may not be within 50 feet of “a public street, state highway, or residence.” S.B. 1436 amends that section to provide that an automotive wrecking and salvage yard may not be within 50 feet of “the nearest property line of a residence.” The bill would be strictly prospective; salvage yards already in operation would be grandfathered so that no existing setbacks would have to be adjusted.

As proposed, S.B. 1436 amends current law relating to the setback requirements for a junkyard or an automotive wrecking and salvage yard.

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 396.022(a), Transportation Code, as follows:

(a) Prohibits a junkyard or an automotive wrecking and salvage yard from being located:

(1) within 50 feet of the right-of-way of a public street or state highway; or

(2) within 50 feet of the nearest property line of a residence.

Makes nonsubstantive changes.

SECTION 2. Provides that Section 396.022(a), Transportation Code, as amended by this Act, applies only to a junkyard or an automotive wrecking and salvage yard that begins operating on or after the effective date of this Act. Provides that a junkyard or an automotive wrecking and salvage yard operating before the effective date of this Act is governed by the law applicable immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2015.