

## **BILL ANALYSIS**

Senate Research Center  
85R2156 MTB-F

S.B. 1321  
By: Hughes  
Finance  
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As Filed

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

The Texas Automobile Burglary and Theft Prevention Authority (ABTPA) was established by H.B. 640 (Rep. Counts), 72nd Legislature, Regular Session, 1991. The bill's purpose was to create a statewide effort to reduce vehicle thefts in the state. The authority had its own governing board and was established within the governor's office. It was funded by a \$1 fee on all vehicle insurance policies issued in the state. In 2011, the 82nd Legislature increased the fee on insurance policies from \$1 to \$2 and added a statutory requirement that fifty percent of each fee collected may be appropriated only to the authority. ABTPA is charged with assessing automobile burglary, theft, and economic theft (burglary or theft) in Texas. The fee continues to be assessed on insurance companies providing vehicle insurance in Texas and is collected by the Texas comptroller of public accounts (comptroller) on behalf of ABTPA.

S.B. 1321 creates a dedicated account within the Texas Department of Motor Vehicles (TxDMV) to help prevent vehicle theft and burglary. The funds already exist and are generated from a \$2 fee collected on every insurance policy covering a motor vehicle delivered or renewed in Texas under ABTPA. Currently, these funds are deposited into the general revenue fund, and the legislature appropriates a portion to ABTPA for use.

In 2015, the \$2 fee generated more than \$44.5 million; however, the legislature appropriated only \$14.9 million to ABTPA. S.B. 1321 ensures that all resources collected to address vehicle burglary and theft are used for their intended purpose. In fiscal year 2014, the comptroller collected over \$42 million in ABTPA insurance fees. The General Appropriations Act (SB 1, 83rd Legislature, Regular Session, 2013) appropriated \$14,904,341 for ABTPA for fiscal year 2014. This is a small reduction from \$14,911,870 appropriated in both fiscal years 2012 and 2013.

The purpose of receiving this dedicated account for ABTPA is to help fund the 200 full-time positions in 27 task forces across the state of Texas. The dedicated account of the roughly \$27.8 million not appropriated to ABTPA would best serve funding additional law enforcement positions, purchasing cutting edge equipment, and defraying operational costs for local law enforcements agencies. All grantees must provide a twenty percent cash match to all counties, but grantees have provided additional funding on top of the 20 percent due to the low amount of revenue collected for ABTPA from the legislature.

As proposed, S.B. 1321 amends current law relating to the deposit and appropriation of revenue received or collected by 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 10(e), Article 4413(37), Revised Statutes, as follows:

(e) Requires that the fee collected under Subsection (b) be deposited to the credit of the subaccount described by Section 13 of this article, which is added by this Act, and

authorizes the fee to be appropriated only to the Texas Department of Motor Vehicles (TxDMV) for purposes of the Automobile Burglary and Theft Prevention Authority (ABTPA) under this article. Deletes existing text authorizing fifty percent of each fee collected under Subsection (b) to be appropriated only to ABTPA for the purposes of this article.

SECTION 2. Amends Article 4413(37), Revised Statutes, by adding Section 13, as follows:

Sec. 13. DEPOSIT AND APPROPRIATION OF REVENUE. Requires that all gifts, grants, and other revenue collected or received by ABTPA be deposited to the credit of a subaccount in the TxDMV fund and authorizes this revenue to be appropriated only to TxDMV for purposes of ABTPA under this article.

SECTION 3. Amends Section 1001.152, Transportation Code, to authorize money that is required to be deposited in the state treasury to the credit of the TxDMV fund to be used by TxDMV only, among certain other purposes, for purposes of ABTPA under Section 13, Article 4413(37), Revised Statutes.

SECTION 4. Repealer: Section 1001.151(c) (relating to prohibiting certain monies or sources of revenue from being deposited into the TxDMV fund), Transportation Code.

SECTION 5. Effective date: September 1, 2017.