

BILL ANALYSIS

Senate Research Center
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H.B. 1140
By: King, Tracy O. (Zaffirini)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1140 amends current law relating to fees for vehicles stored at vehicle storage facilities, authorizes fee increases and decreases, eliminates a fee, and eliminates a minimum fee.

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 Sections 2303.155(a) and (b), Occupations Code, as follows:

- (a) Makes nonsubstantive changes to this subsection.
- (b) Authorizes the operator of a vehicle storage facility or governmental vehicle storage facility to charge the owner of a vehicle stored or parked at the facility:
 - (1) makes no changes to this subdivision;
 - (2) an impoundment fee of \$20, subject to Section 2303.1552, rather than an impoundment fee of \$20, for any action that meets certain criteria;
 - (3) a daily storage fee, subject to Section 2303.1552, rather than a daily storage fee, of:
 - (A) \$20, rather than not less than \$5 and not more than \$20, for each day or part of a day the vehicle is stored at the facility if the vehicle is not longer than 25 feet; or
 - (B) makes a nonsubstantive change to this paragraph; and
 - (4) makes nonsubstantive changes to this subdivision. Deletes Subdivision (5) and existing text authorizing the operator of a vehicle storage facility or governmental vehicle storage facility to charge the owner of a vehicle stored or parked at the facility a fee in an amount set by the Texas Commission of Licensing and Regulation (TCLR) for the remediation, recovery, or capture of an environmental or biological hazard.

SECTION 2. Amends Subchapter D, Chapter 2303, Occupations Code, by adding Section 2303.1552, as follows:

- Sec. 2303.1552. BIENNIAL ADJUSTMENT OF CERTAIN FEES. (a) Defines "consumer price index" for purposes of this section.
- (b) Provides that, on January 1 of each even-numbered year, the impoundment fee under Section 2303.155(b)(2) and the storage fees under Section 2303.155(b)(3) are increased or decreased by an amount equal to the amount of the applicable fee

in effect on December 31 of the preceding year multiplied by the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium.

(c) Requires TCLR, not later than November 1 of each odd-numbered year, to adjust the fees in accordance with Subsection (b) and publish the adjusted fees on the Texas Department of Licensing and Regulation's Internet website.

(d) Requires the operator of a vehicle storage facility or governmental vehicle storage facility, as defined by Section 2303.155, if a fee is decreased under this section, to begin charging the adjusted fee on the effective date of the decrease. Authorizes the operator, if a fee is increased under this section, to begin charging the adjusted fee at any time on or after the effective date of the increase.

SECTION 3. Effective date: upon passage or September 1, 2019.