

BILL ANALYSIS

C.S.H.B. 2100
By: Dutton
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 77th Legislature passed HB 2243 amending the Vehicle Storage Facilities Act by providing for the disposal of nuisance vehicles by vehicle storage facilities and modifying notification requirements and fees. Last session the House and Senate also passed the companion bill, HB 2313, which made conforming changes in the Transportation Code. Without the language in the Transportation Code, the Texas Department of Transportation has not allowed the provisions of HB 2243 to be utilized. HB 2313 was vetoed by the Governor for the following reason: *House Bill No. 2313 would allow salvage car dealers and others to dispose of vehicles deemed "abandoned nuisance vehicles" without adequate prior notice to the owners of the vehicles.* In looking at HB 2313 as a stand-alone bill it is easy to see how that conclusion was reached, however, there are extensive notification requirements in the Vehicle Storage Facilities Act (*Chapter 2303, Occupations Code*). Also it should be noted that “vehicle storage facilities,” “automotive wrecking and salvage yards,” and “salvage vehicle dealers” are all defined and regulated differently.

House Bill 2100 establishes provisions for the disposal of nuisance motor vehicles by vehicle storage facilities.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2100 as filed amends the Transportation Code to provide that a law enforcement agency is not required to send notice to the last known registered owner or lienholder of a motor vehicle if the law enforcement agency has received notice from a vehicle storage facility that an application has or will be submitted to the Texas Department of Transportation or a law enforcement agency for the disposal of an abandoned nuisance vehicle. If a law enforcement agency does not take an abandoned vehicle left in a storage facility into custody before the 31st day after the date notice of abandonment of a motor vehicle is sent, the bill authorizes a vehicle storage facility to dispose of an abandoned vehicle in accordance with the Vehicle Storage Facility Act if the vehicle is an abandoned nuisance vehicle.

House Bill 2100 as filed amends the Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes) by setting the vehicle storage facility fee at \$20 rather than \$10.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Vehicle Storage Act was moved from Vernon’s Texas Civil Statutes to the Occupations Code in the recent recodification, the committee substitute amends the Occupations Code rather than V.T.C.S.

