

BILL ANALYSIS

C.S.H.B. 3158
By: Capelo
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The funding of school crossing guards has been an issue for many years. Originally, school districts funded school crossing guards with some possible municipal or county participation in limited cases. In 1995, the Legislature passed Chapter 502.173, Transportation Code, allowing for an optional county fee for child safety. This statute allowed a commissioners court to adopt a fee up to \$1.50 for registering a vehicle in the county. While the county retains 10% for administration, the other funds collected are distributed to the municipalities in the county according to population. Any funds collected outside of incorporated areas are kept by the county for child safety in the county.

In order to enact the provision, the commissioners court has no choice but to enact it countywide. If it is enacted, the fee falls on every vehicle registered in the county. In some cases, vehicle owners outside of municipalities see no benefit and many smaller communities do not have school crossing guard programs. While a city may be in need of additional funding for crossing guards, the commissioners court may be hesitant to be viewed as the governmental entity actually voting to impose the fee. The \$1.50 maximum fee has never been increased since its inception.

Committee Substitute House Bill 3158 sets up a mechanism to allow individual cities to impose a fee for child safety. The new section tracks much of the original county fee but has several significant differences, as follows:

1. The city by ordinance is authorized to impose an additional fee of not more than \$3.00 for registering a vehicle. The commissioners court need not take any action.
2. The county assessor/collector would still receive 10% of the funds collected to administer the program.
3. The fee shown on the renewal statement would specifically be shown as “City of _____ Child Safety Fee”; therefore, there can be no question that the city is imposing the fee, and not the county.
4. The commissioners court would still maintain their option of imposing a county fee for child safety outside of a municipality imposing its own fee.

RULEMAKING AUTHORITY

It is the committee’s opinion that rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 502.1735, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 502, Transportation Code, by adding Section 502.1735, which defines “school crossing guard;” applies only to a city with a population of 250,000 or more that is located in a county with a population of less than 1,500,000 that provides school crossing guard services; provides that the governing body of a municipality may by ordinance impose an additional fee for child safety, not to exceed \$3, payable upon motor vehicle registration or renewal, but not collected for registration or renewal for vehicle that may be registered without payment of a fee. Such a fee would only take effect on January 1st of a year, and its enabling ordinance must be enacted and transmitted to the Texas Department of Transportation by September 10 of the preceding year.

The governing body may increase, decrease or repeal the ordinance, effective January 1 of a year, and must furnish a copy of the increase, decrease, or repeal of the fee to the Texas Department of Transportation by September 1 of the preceding year. The county assessor /collector will collect the fee and may deduct 10 percent for administration, sending the remainder to the city. This section will require a municipality greater than 850,000 to deposit the fee in the child safety trust fund created by Section 106.001, Government Code; a municipality of less than 850,000 must use the fee in accordance with Article 102.014, Code of Criminal Procedure. The fee must be described as the “City of _____ Child Safety Fee,” specifying the amount of the fee on the registration receipt and each renewal notice sent to the vehicle owner. The optional county fee for child safety under Section 502.173 may not be imposed on a vehicle that is required to pay the city fee established under this section. The Texas Department of Transportation is required to adopt rules and forms to administer and enforce this section.

SECTION 2. Effective date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3158 modifies the original by limiting the application of the bill to a city with a population of 250,000 or more that is located in a county with a population of less than 1,500,000.