

By: Capelo

H.B. No. 3158

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to establish an optional fee for child safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1735 to read as follows:

Sec. 502.1735. OPTIONAL MUNICIPAL FEE FOR CHILD SAFETY.

(a) In this section "school crossing guard" has the meaning assigned by Section 541.001.

(b) This section applies only to a municipality that provides for the use of school crossing guards to facilitate the safe crossing of streets by children going to or leaving public, parochial, or private elementary or secondary schools.

(c) The governing body of the municipality by ordinance may impose an additional fee for child safety. The ordinance must specify the amount of the fee, which may never exceed \$3.

(d) An additional fee imposed under this section is payable when the owner of a motor vehicle who resides in the municipality applies for the registration or renewal of the registration of the vehicle, except that the fee may not be imposed or collected in connection with the registration or registration renewal of a vehicle that may be registered under this chapter without payment of a registration fee.

(e) An additional fee imposed under this section may take

1 effect only on January 1 of a year. The governing body of a
2 municipality must enact the ordinance and provide a copy of the
3 ordinance to the department not later than September 10 of the year
4 preceding the year in which the fee takes effect.

5 (f) The governing body of the municipality by ordinance may
6 increase or decrease the amount of the additional fee imposed under
7 this section or may repeal the fee. An increase, decrease, or
8 repeal may take effect only on January 1 of a year. The governing
9 body of the municipality must provide a copy of the ordinance to the
10 department not later than September 1 of the year preceding the year
11 in which the increase, decrease, or repeal takes effect.

12 (g) The county assessor-collector shall collect the
13 additional fee when the fees imposed under this chapter are
14 collected.

15 (h) The county assessor-collector may deduct for
16 administrative costs an amount of not more than 10 percent of each
17 additional fee collected by the assessor-collector. After making
18 the deductions, the county assessor-collector shall send the
19 remainder of the fee to the municipality.

20 (i) A municipality with a population greater than 850,000
21 shall deposit revenue from a fee imposed under this subsection to
22 the credit of the child safety trust fund created under Section
23 106.001, Local Government Code. A municipality with a population
24 less than 850,000 shall use revenue from a fee imposed under this
25 section in accordance with Subsection (g), Article 102.014, Code of
26 Criminal Procedure.

27 (j) If a motor vehicle may not be registered without payment

1 of the additional fee, the department shall list the amount of the
2 additional fee on the registration receipt for the vehicle and on
3 each renewal notice sent to the owner of the vehicle. The fee must
4 be described as the "City of _____ Child Safety Fee."

5 (k) The optional county fee for child safety under Section
6 502.173 may not be imposed or collected in connection with the
7 registration or registration renewal of a motor vehicle that may
8 not be registered without payment of the additional fee under this
9 section.

10 (l) The department shall adopt rules and forms to
11 administer and enforce this section.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2003.