

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 1, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB480 by Keel (Relating to the towing and storage of certain vehicles; providing a penalty.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB480, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from STATE HIGHWAY FUND 6
2006	(\$251,635)
2007	(\$251,635)
2008	(\$251,635)
2009	(\$251,635)
2010	(\$251,635)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, the Occupations Code, and the Transportation Code as they relate to the towing and storing of certain vehicles and would provide a penalty for violating certain provisions of the bill.

The bill would require a law enforcement agency that directs the towing and storage of a motor vehicle for an evidentiary or examination purpose to pay the cost of the towing and storage. The agency would not be required to pay for storage beyond the date on which the agency authorizes release of the vehicle to the owner.

The bill would also raise fees that a vehicle storage facility may charge a vehicle owner for daily storage from a maximum of \$15 to \$20 for vehicles less than 25 feet long and from \$30 to \$35 for

vehicles that are more than 25 feet long. Additionally, the maximum amount of a notification fee would be increased from \$32 to \$50.

The bill would increase the punishment for violating chapter 684, Transportation Code, from a fine between \$200 and \$500 to a misdemeanor punishable by a fine between \$500 and \$1,500.

The bill would take effect September 1, 2005.

Methodology

The provisions of the bill would require any law enforcement agency that directs the towing and storage of a vehicle for evidentiary or examination purposes to pay for towing and storage. The Department of Public Safety (DPS) reports 330 vehicles were towed and stored for evidentiary or examination purposes in 2004. Of the 330 vehicles towed and stored, 41 were truck trailers, construction, or farm equipment. The remaining 289 vehicles were passenger cars or light trucks.

DPS reports the average towing cost for passenger cars or light trucks is \$65, and \$400 for truck trailers, construction, or farm equipment. The cost for towing under the provisions of the bill for DPS would be \$35,185 ((41x \$400) + (289 x \$65)).

DPS reports the average storage time for vehicles examined was 30 days in 2004. Under the provisions of the bill, the storage fee for truck trailers, construction, or farm equipment would be \$35. The cost for storing truck trailers, construction, or farm equipment for an average of 30 days would be \$43,050 ((41 x \$35) x 30). Under the provisions of the bill, the storage fee for cars or light trucks would be \$20. The total estimated costs for storage of passenger cars or light trucks would be \$173,400 ((289 x \$20) x 30). The total estimated cost for storing all vehicles, under the provisions of the bill would be \$216,450 (\$43,050 + \$173,400). The total cost for towing and storage of all vehicle types under the provisions of the bill would be \$251,635 (\$35,185 + \$216,450).

Local Government Impact

Costs for municipal or county law enforcement agencies would vary, depending on the number of vehicles towed and stored for evidentiary or examination purposes, as well as whether the law enforcement agency has its own storage area or may already pay for towing and storage under the applicable circumstances. The increase in level of fine that may be imposed could help offset costs.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, VDS, SJ, DLBa