

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 25, 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.),
As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB480, As Introduced: 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	(\$2,115,750)
2007	(\$2,115,750)
2008	(\$2,115,750)
2009	(\$2,115,750)
2010	(\$2,115,750)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, the Occupations Code, and the Transportation Code as it relates to the towing and storing of certain vehicles and provides 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, examination, or related 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 governmental vehicle storage facility may charge a vehicle owner for daily storage from \$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 Class B misdemeanor. Under current statute, punishment for a Class B misdemeanor is a fine of up to \$2,000 and/or confinement of no more than 180 days in jail.

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, examination, or related purposes pay for towing and storage. The Department of Public Safety (DPS) reports 6,359 vehicles were towed and stored for evidentiary, examination, or related purposes in 2004. Of the 6,359 vehicles towed and stored, 1,050 were truck trailers, construction, or farm equipment. The remaining 5,309 vehicles were passenger cars or light trucks.

DPS reports the average towing cost for towing passenger cars or light trucks is \$65 and \$400 for truck trailers, construction, or farm equipment. The cost for towing under this bill for DPS would be \$765,085 $((1,050 \times \$400) + (5,309 \times \$65))$.

DPS reports the average storage time for vehicles examined was 21 days in 2004. Under the provisions of this 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 21 days would be \$771,750 $((1,050 \times \$35) \times 21)$.

DPS reports 5,309 passenger cars or light trucks were stored in 2004. Under the provisions of this bill, the storage fee for this type of vehicle would be \$20. DPS reports the average storage time for 2,978 passenger cars or light trucks at 21 days and 2 days for 2,331 passenger cars or light trucks. The total estimated costs for storage of passenger cars or light trucks would be \$1,344,000 $[((2,978 \times \$20) \times 21) + ((2,331 \times \$20) \times 2)]$. The total estimated cost for storing all vehicles, under the provisions of this bill would be \$2,115,750 $(\$771,750 + \$1,344,000)$. The total cost for towing and storage all vehicle types under the provisions of this bill would be \$2,880,835 $(\$765,085 + \$2,115,750)$.

Local Government Impact

Costs for municipal or county law enforcement agencies would vary, depending on the number of vehicles towed and stored for evidentiary, examination, and related 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.

Source Agencies: 405 Department of Public Safety

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