

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 8, 2007**

**TO:** Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

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

**IN RE: HB441** by Phillips (Relating to sales of certain regulated material and to the criminal penalties for violations relating to those sales.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend the Occupations Code relating to sales of certain regulated materials and to the criminal penalties for violations relating to those sales.

The bill amends Occupations Code, Section 1956.004 which states that a person attempting to sell regulated material to a secondhand metal dealer shall provide to the secondhand dealer the make, model, and license plate number of the motor vehicle used to transport the regulated material. The secondhand metal dealer is also required to make a copy of the identification to be maintained in the dealer's records. The bill states that a person may not, with the intent to deceive, display or provide to a secondhand metal dealer any information that the person knows is false or invalid. The bill states that a violation under this section of the Occupations Code is a third degree felony unless the person has been convicted of violating this section within 24 month preceding the date of offense in which case the offense would be a second degree felony. The bill states that the court may order the dealer cease doing business as a secondhand metal dealer for two years from the conviction date. The bill would take effect on September 1, 2007.

The Department of Public Safety anticipates no significant fiscal impact to the agency.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, WK, GG, LG