

BILL ANALYSIS

H.B. 4272
By: Smith, Wayne
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the only means by which a local government in certain counties can enforce the laws governing salvage yards is a through criminal action under state law. No civil penalties are provided. Additionally, an individual, corporation, or association may file an action seeking an injunction against a salvage yard operating in violation of the law, but a local government may not.

H.B. 4272 provides a civil penalty for violations of laws governing automotive wrecking and salvage yards in certain counties and adds counties and municipalities to those entities that may seek an injunction to prohibit a violation or threatened violation of those laws.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4272 amends the Transportation Code to establish that, in addition to the criminal penalty provided by state law, a person who operates an automotive wrecking and salvage yard in violation of provisions regulating automotive wrecking and salvage yards in certain counties is liable for a civil penalty of not less than \$500 or more than \$1,000 for each violation. The bill authorizes a separate penalty to be imposed for each day a continuing violation occurs. The bill authorizes the district or county attorney for the county, or the municipal attorney of the municipality, in which the violation is alleged to have occurred to bring suit to collect the penalty. The bill requires a penalty collected by a district, county, or municipal attorney to be deposited in the county or municipal treasury, as applicable. The bill entitles a county or municipality, in addition to a person, to an injunction to prohibit a violation or threatened violation of provisions governing automobile wrecking and salvage yards in certain counties.

EFFECTIVE DATE

September 1, 2009.