

BILL ANALYSIS

Senate Research Center
81R9751 JD-F

S.B. 1992
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Transportation & Homeland Security
4/14/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There has been a rapid expansion of junkyards in older communities in unincorporated Harris County in the last few years. Chapter 397 (Automobile Wrecking and Salvage Yards in Certain Counties), Transportation Code, provides a variety of regulations including distance requirements between the junkyard and existing homes, schools, and churches. One junkyard is just five feet from a church; another is within 28 feet of a home. The law is being routinely violated. Owners of the junkyard consider the occasional ticket for a Class C misdemeanor the cost of doing business. Residents in most of these neighborhoods live on small house lots with backyard water wells that are 25-50 feet deep. Several area schools have junkyards moving closer with cars piled high above the fence. The encroaching junkyards are cause for serious concern, including the harmful impact on drinking water in these communities.

As proposed, S.B. 1992 authorizes the imposition of a civil penalty of not less than \$500 or more than \$1,000 against an operator of an automotive wrecking and salvage yards in a county with a population of 3.3 million or more for a violation of Chapter 397, and authorizes a person, county, or municipality to seek an injunction to prohibit a violation or intended violation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 397, Transportation Code, by adding Section 397.0125, as follows:

Sec. 397.0125. CIVIL PENALTY. (a) Provides that in addition to the penalty provided by Section 397.012 (Penalty), a person who operates an automotive wrecking and salvage yard in violation of this chapter is liable for a civil penalty of not less than \$500 or more than \$1,000 for each violation. Authorizes a separate penalty to be imposed for each day a continuing violation occurs.

(b) Authorizes the district or county attorney for the county, or municipal attorney of the municipality, in which the violation is alleged to have occurred to bring suit to collect the penalty.

(c) Requires a penalty collected under this section by a district or county attorney to be deposited in the county treasury. Requires a penalty collected under this section by a municipal attorney to be deposited in the municipal treasury.

SECTION 2. Amends Section 397.014(a), Transportation Code, to entitle a person, county, or municipality to an injunction to prohibit a violation or threatened violation of this chapter.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.