

By: Smith of Harris

H.B. No. 4272

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 397, Transportation Code, is amended by adding Section 397.0125 to read as follows:

Sec. 397.0125. CIVIL PENALTY. (a) In addition to the penalty provided by Section 397.012, 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. A separate penalty may be imposed for each day a continuing violation occurs.

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

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

SECTION 2. Section 397.014(a), Transportation Code, is amended to read as follows:

(a) A person, county, or municipality is entitled to an injunction to prohibit a violation or threatened violation of this chapter.

1 SECTION 3. The change in law made by this Act applies only
2 to a violation of Chapter 397, Transportation Code, that occurs on
3 or after the effective date of this Act. A violation of that
4 chapter that occurred before the effective date of this Act is
5 governed by the law in effect when the violation occurred, and the
6 former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2009.