

1-1 By: Gallegos S.B. No. 1992
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 16, 2009, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; April 16, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the regulation of automotive wrecking and salvage yards
1-9 in certain counties; providing a civil penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 397, Transportation Code, is amended by
1-12 adding Section 397.0125 to read as follows:

1-13 Sec. 397.0125. CIVIL PENALTY. (a) In addition to the
1-14 penalty provided by Section 397.012, a person who operates an
1-15 automotive wrecking and salvage yard in violation of this chapter
1-16 is liable for a civil penalty of not less than \$500 or more than
1-17 \$1,000 for each violation. A separate penalty may be imposed for
1-18 each day a continuing violation occurs.

1-19 (b) The district or county attorney for the county, or the
1-20 municipal attorney of the municipality, in which the violation is
1-21 alleged to have occurred may bring suit to collect the penalty.

1-22 (c) A penalty collected under this section by a district or
1-23 county attorney shall be deposited in the county treasury. A
1-24 penalty collected under this section by a municipal attorney shall
1-25 be deposited in the municipal treasury.

1-26 SECTION 2. Subsection (a), Section 397.014, Transportation
1-27 Code, is amended to read as follows:

1-28 (a) A person, county, or municipality is entitled to an
1-29 injunction to prohibit a violation or threatened violation of this
1-30 chapter.

1-31 SECTION 3. The change in law made by this Act applies only
1-32 to a violation of Chapter 397, Transportation Code, that occurs on
1-33 or after the effective date of this Act. A violation of that
1-34 chapter that occurred before the effective date of this Act is
1-35 governed by the law in effect when the violation occurred, and the
1-36 former law is continued in effect for that purpose.

1-37 SECTION 4. This Act takes effect September 1, 2009.

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