

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

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

IN RE: SB1431 by Hinojosa (Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1431, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1
2010	(\$100,000)	\$100,000
2011	(\$60,000)	\$60,000
2012	(\$60,000)	\$60,000
2013	(\$60,000)	\$60,000
2014	(\$60,000)	\$60,000

Fiscal Analysis

The bill would amend Chapter 2308 of the Occupations Code regarding the licensing and regulation of towing companies and vehicle storage facilities. The bill would require the Texas Department of Licensing and Regulation (TDLR) to adopt rules for denial of an application for a tow truck permit or towing operator or company license.

The bill would require the Texas Commission of Licensing and Regulation to adopt rules to set fees that could be charged for private towing, the maximum amount for other fees associated with private towing, and the maximum fees for certain types of motor vehicles. The bill also would require TDLR to consider existing private property towing fee studies conducted by municipalities in Texas and to

conduct studies of private property towing fees in order to adopt appropriate fee rates. The bill would require TDLR to contract out the study of private property towing fees.

The bill would direct TDLR to suspend a license issued under this chapter's provisions for failure to pay within 60 days a final judgment awarded to an owner or operator of a motor vehicle. The bill would establish a criminal penalty for violations of this chapter's provisions.

The bill would take effect September 1, 2009.

Methodology

TDLR indicates that the cost of contracting out the required study on private property towing fees would be \$100,000 in the fiscal year 2010, and \$60,000 each subsequent year to update the study. This analysis assumes that any increased costs to the agency, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue.

Based on the analysis of the Comptroller of Public Accounts, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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

Source Agencies: 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, MW, ES