

By: Elkins

H.B. No. 2929

Substitute the following for H.B. No. 2929:

By: Kuempel

C.S.H.B. No. 2929

A BILL TO BE ENTITLED

AN ACT

relating to authorization to impose an administrative penalty on salvage vehicle dealers.

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

SECTION 1. Subchapter H, Chapter 2302, Occupations Code, is amended by adding Section 2302.354 to read as follows:

Sec. 2302.354. ADMINISTRATIVE PENALTY. (a) The department may impose an administrative penalty against a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) The penalty may not be less than \$50 or more than \$1,000, and each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty. The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the economic harm caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts to correct the violation; and

(6) any other matter that justice requires.

(c) The person may stay enforcement during the time the order is under judicial review if the person pays the penalty to the court clerk or files a supersedeas bond with the court in the amount

1 of the penalty. A person who cannot afford to pay the penalty or  
2 file the bond may stay enforcement by filing an affidavit in the  
3 manner required by the Texas Rules of Civil Procedure for a party  
4 who cannot afford to file security for costs, subject to the right  
5 of the department to contest the affidavit as provided by those  
6 rules.

7 (d) A proceeding to impose an administrative penalty is  
8 subject to Chapter 2001, Government Code.

9 SECTION 2. Section 2302.354, Occupations Code, as added by  
10 this Act, applies only to a violation of Chapter 2302, Occupations  
11 Code, or a rule or order of the Texas Department of Motor Vehicles  
12 adopted under that chapter, committed on or after the effective  
13 date of this Act. A violation committed before the effective date  
14 of this Act is governed by the law in effect when the violation was  
15 committed, and the former law is continued in effect for that  
16 purpose.

17 SECTION 3. This Act takes effect September 1, 2011.