

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 22, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

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

IN RE: HB3295 by Harper-Brown (Relating to the authority of the Texas Department of Motor Vehicles to set the amount of certain fees.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 2301.712, Occupations Code, to authorize the board of the Department of Motor Vehicles (DMV) to set the filing fee for a "Lemon Law" complaint, contested case, or protest that involves a hearing. The bill would require the board of the DMV to prepare biennial forecast containing estimated revenues for the State Highway Fund. The bill would require the DMV board to publish a schedule of all fees set by the board on the DMV Internet website. The bill would authorize the DMV board by rule to set the amount of a fee for which the board has the authority to collect or administer in support of a program or regulatory function if (1) the board submits the proposed fee to the Legislative Budget Board (LBB) and (2) the LBB determines that the proposed fee will recover all direct and indirect costs of the program or function the fee is intended to support. The bill would not amend the \$35 and \$200 filing fees established in Occupations Code, Section 2301.712, subsections (a)(1) and (a)(2), respectively.

Based on the analysis of DMV, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. This analysis assumes the LBB would approve a fee proposed by the board of the DMV only if the LBB determines that (1) the proposed fee would recover all direct and indirect costs of the affected program and (2) the implementation of the proposed fee would not result in a negative impact to State revenues.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 608 Department of Motor Vehicles

LBB Staff: JOB, KJG, MW, TG