

SENATE AMENDMENTS

2nd Printing

By: McClendon

H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of automobile burglary and theft.

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

SECTION 1. Section 6, Article 4413(37), Revised Statutes, is amended by adding Subsections (j) and (k) to read as follows:

(j) The authority shall:

(1) develop and use standard performance measures for each category of grants provided by the authority in order to assess grantee success in achieving the purposes of this article; and

(2) ensure that grants are used to help increase:

(A) the recovery rate of stolen motor vehicles;

(B) the clearance rate of motor vehicle burglaries and thefts; and

(C) the number of persons arrested for motor vehicle burglary and theft.

(k) The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, the state rather than based on geographic distribution.

SECTION 2. Section 7(a), Article 4413(37), Revised Statutes, is amended to read as follows:

(a) The authority shall develop and implement a plan of operation. The plan of operation must be updated biennially and filed with the legislature on or before December 1 of each

1 even-numbered year.

2 SECTION 3. Section 9(a), Article 4413(37), Revised
3 Statutes, is amended to read as follows:

4 (a) The Department of Public Safety may administer
5 ~~[authority shall develop]~~ a statewide motor vehicle registration
6 program ~~[to be administered by the Department of Public Safety]~~.
7 This section applies only if the Department of Public Safety
8 administers the program.

9 SECTION 4. Section 9, Article 4413(37), Revised Statutes,
10 is amended by adding Subsection (h) to read as follows:

11 (h) The Department of Public Safety shall collect data
12 regarding theft rates and types of motor vehicles enrolled in the
13 program, the recovery rate for stolen motor vehicles enrolled in
14 the program, and the clearance rate of burglaries and thefts of
15 motor vehicles enrolled in the program.

16 SECTION 5. Sections 6(j) and (k), Article 4413(37), Revised
17 Statutes, as added by this Act, apply only in relation to a grant
18 for which the notice of funds availability or of funding
19 opportunity is made public on or after the effective date of this
20 Act.

21 SECTION 6. This Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

FLOOR AMENDMENT NO. _____

Atay Spaul
Secretary of the Senate

BY: _____

Willie
Frank Lewis, Jr.

1 Amend H.B. No. 1541 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION _____. Section 10, Article 4413(37), Revised
5 Statutes, is amended by amending Subsection (b) and adding
6 Subsection (e) to read as follows:

7 (b) An insurer shall pay to the authority a fee equal to \$2
8 [~~\$1~~] multiplied by the total number of motor vehicle years of
9 insurance for insurance policies delivered, issued for delivery, or
10 renewed by the insurer. The fee shall be paid not later than:

11 (1) March 1 of each year for a policy issued,
12 delivered, or renewed from July 1 through December 31 of the
13 previous calendar year; and

14 (2) August 1 of each year for a policy issued,
15 delivered, or renewed from January 1 through June 30 of that year.

16 (e) Fifty percent of each fee collected under Subsection (b)
17 may be appropriated only to the authority for the purposes of this
18 article.

19 SECTION _____. The changes in law made by Section 10, Article
20 4413(37), Revised Statutes, as amended by this Act, apply only to an
21 insurance policy issued, delivered, or renewed on or after the
22 effective date of this Act. An insurance policy issued, delivered,
23 or renewed before the effective date of this Act is governed by the
24 law in effect on the date the insurance policy was issued,
25 delivered, or renewed, and the former law is continued in effect for
26 that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB1541 by McClendon (Relating to the prevention of automobile burglary and theft.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB1541, As Passed 2nd House: a positive impact of \$37,029,000 through the biennium ending August 31, 2013.

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
2012	\$18,287,000
2013	\$18,742,000
2014	\$19,196,000
2015	\$19,650,000
2016	\$20,105,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1
2012	\$18,287,000
2013	\$18,742,000
2014	\$19,196,000
2015	\$19,650,000
2016	\$20,105,000

Fiscal Analysis

The bill would implement recommendations in the report "Improve the Effectiveness of Motor Vehicle Theft Prevention Programs in Texas" in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-second Texas Legislature, 2011.

The bill would amend Article 4413 of Vernon's Civil Statutes to require the Automobile Burglary and Theft Prevention Authority (ABTPA) to develop and use standard performance measures for each category of grants it provides. ABTPA would be required to ensure that grants are used to help increase the recovery rate of stolen motor vehicles, clearance rate of motor vehicle burglaries and thefts, and the number of persons arrested for motor vehicle burglary and theft. The bill would require ABTPA to allocate grant funds primarily based on the number of motor vehicles stolen in or motor

vehicle burglary or theft rate across the state. ABTPA would be required to biennially update a plan of operation and provide it to the Legislature.

The bill would authorize the Department of Public Safety (DPS) to administer, rather than require, a statewide motor vehicle registration program. DPS would be required to collect data regarding theft rates and types of motor vehicles enrolled in the program, the recovery rate for stolen motor vehicles enrolled in the program, and the clearance rate of burglaries and thefts of motor vehicles enrolled in the program.

The bill would also amend Section 10, Article 4413(37), Revised Statutes, to require an insurer to pay a fee of \$2, rather than \$1, multiplied by the total number of motor vehicle years of insurance for policies delivered, issued, or renewed. The bill would authorize fifty percent of each fee to be appropriated only to the Automobile Burglary and Theft Prevention Authority.

Methodology

The bill would increase the Automobile Burglary and Theft Prevention Authority fee paid by insurers from \$1 to \$2 per motor vehicle year of insurance. It is assumed that the fee increase would have no effect on the number of motor vehicle policies issued, delivered, or renewed. Estimates of revenue generated from the increased fee are based on the Comptroller of Public Accounts 2012-13 *Biennial Revenue Estimate*.

Note: This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. Legislative policy, implemented as Government Code, Section 403.094, consolidated special funds (except those affected by constitutional, federal, or other restrictions) into the General Revenue Fund as of August 31, 1993 and eliminated all applicable statutory revenue dedications as of August, 31, 1995. Each subsequent Legislature has reviewed bills that affect funds consolidation. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Technology

The Comptroller of Public Accounts anticipates a one-time technology cost for notifying taxpayers of the new tax fee on tax forms and publications, system programming, project management, and security controls. It is assumed this cost could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 608 Department of Motor Vehicles, 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, JI, MM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: HB1541 by McClendon (Relating to the prevention of automobile burglary and theft.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would implement recommendations in the report "Improve the Effectiveness of Motor Vehicle Theft Prevention Programs in Texas" in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-second Texas Legislature, 2011.

The bill would amend Article 4413 of Vernon's Civil Statutes to require the Automobile Burglary and Theft Prevention Authority (ABTPA) to develop and use standard performance measures for each category of grants it provides. ABTPA would be required to ensure that grants are used to help increase the recovery rate of stolen motor vehicles, clearance rate of motor vehicle burglaries and thefts, and the number of persons arrested for motor vehicle burglary and theft. The bill would require ABTPA to allocate grant funds primarily based on the number of motor vehicles stolen in or motor vehicle burglary or theft rate across the state. ABTPA would be required to biennially update a plan of operation and provide it to the Legislature.

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This analysis assumes that the provisions of the bill could be implemented using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 608 Department of Motor Vehicles

LBB Staff: JOB, KJG, JI, MM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

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

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

IN RE: HB1541 by McClendon (Relating to the prevention of automobile burglary and theft.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would implement recommendations in the report "Improve the Effectiveness of Motor Vehicle Theft Prevention Programs in Texas" in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-second Texas Legislature, 2011.

The bill would amend Article 4413 of Vernon's Civil Statutes to require the Automobile Burglary and Theft Prevention Authority (ABTPA) to develop and use standard performance measures for each category of grants it provides. ABTPA would be required to ensure that grants are used to help increase the recovery rate of stolen motor vehicles, clearance rate of motor vehicle burglaries and thefts, and the number of persons arrested for motor vehicle burglary and theft. The bill would require ABTPA to allocate grant funds primarily based on the number of motor vehicles stolen in or motor vehicle burglary or theft rate across the state. ABTPA would be required to biennially update a plan of operation and provide it to the Legislature.

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Source Agencies: 405 Department of Public Safety, 608 Department of Motor Vehicles

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