

By: Lucio

S.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the Vehicle Crime Prevention
3 Authority and to the creation of the vehicle crime prevention
4 account.

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

6 SECTION 1. The heading to Article 4413(37), Revised
7 Statutes, is amended to read as follows:

8 Art. 4413(37). VEHICLE CRIME [~~AUTOMOBILE BURGLARY AND~~
9 ~~THEFT~~] PREVENTION AUTHORITY

10 SECTION 2. Section 1, Article 4413(37), Revised Statutes,
11 is amended by amending Subdivisions (1) and (5) and adding
12 Subdivisions (4-a) and (6) to read as follows:

13 (1) "Authority" means the Vehicle Crime [~~Automobile~~
14 ~~Burglary and Theft~~] Prevention Authority.

15 (4-a) "Economic watercraft theft" means watercraft
16 burglary or theft committed for financial gain.

17 (5) "Motor vehicle" means a self-propelled vehicle,
18 [~~or~~] a vehicle, trailer, or semitrailer designed for use with a
19 self-propelled vehicle, an all-terrain vehicle or a recreational
20 off-highway vehicle, as those terms are defined by Section 502.001,
21 Transportation Code, or a motorcycle, motor-driven cycle, or moped.

22 The term does not include a vehicle that runs exclusively on fixed
23 rails or tracks or a piece of equipment operated solely on private
24 property.

1 (6) "Watercraft" means any boat, motorboat, or
2 personal watercraft, other than a seaplane on water, used or
3 capable of being used for transportation on water.

4 SECTION 3. Section 1(2), Article 4413(37), Revised
5 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
6 3225), Acts of the 80th Legislature, Regular Session, 2007, is
7 reenacted to read as follows:

8 (2) "Economic motor vehicle theft" means motor vehicle
9 burglary or theft committed for financial gain.

10 SECTION 4. Section 2, Article 4413(37), Revised Statutes,
11 is amended to read as follows:

12 Sec. 2. ESTABLISHMENT OF AUTHORITY. The Vehicle Crime
13 [~~Automobile Burglary and Theft~~] Prevention Authority is
14 established in the Texas Department of Motor Vehicles. The
15 authority is not an advisory body to the Texas Department of Motor
16 Vehicles.

17 SECTION 5. Section 7(b), Article 4413(37), Revised
18 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
19 3225), Acts of the 80th Legislature, Regular Session, 2007, is
20 reenacted and amended to read as follows:

21 (b) The plan of operation must include:

22 (1) an assessment of the scope of the problems of motor
23 vehicle burglary or theft, watercraft burglary or theft, [and]
24 economic motor vehicle theft, and economic watercraft theft,
25 including particular areas of the state where the problems are
26 greatest;

27 (2) an analysis of various methods of combating the

1 problems of motor vehicle burglary or theft, watercraft burglary or
2 theft, [~~and~~] economic motor vehicle theft, and economic watercraft
3 theft;

4 (3) a plan for providing financial support to combat
5 motor vehicle burglary or theft, watercraft burglary or theft,
6 [~~and~~] economic motor vehicle theft, and economic watercraft theft;
7 and

8 (4) an estimate of the funds required to implement the
9 plan of operation.

10 SECTION 6. Section 8(a), Article 4413(37), Revised
11 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
12 3225), Acts of the 80th Legislature, Regular Session, 2007, is
13 reenacted and amended to read as follows:

14 (a) Money appropriated to the department for authority
15 purposes shall be used by the authority to pay the department for
16 administrative costs and to achieve the purposes of this article,
17 including:

18 (1) establishing and funding the motor vehicle
19 registration program required by Section 9 of this article;

20 (2) providing financial support to law enforcement
21 agencies for economic motor vehicle theft and economic watercraft
22 theft enforcement teams;

23 (3) providing financial support to law enforcement
24 agencies, local prosecutors, judicial agencies, and neighborhood,
25 community, business, and nonprofit organizations for programs
26 designed to reduce the incidence of economic motor vehicle theft
27 and economic watercraft theft;

1 (4) conducting educational programs designed to
2 inform motor vehicle and watercraft owners of methods of preventing
3 motor vehicle and watercraft burglary or theft;

4 (5) providing equipment, for experimental purposes,
5 to assist motor vehicle and watercraft owners in preventing motor
6 vehicle and watercraft burglary or theft; and

7 (6) establishing a uniform program to prevent stolen
8 motor vehicles and watercraft from entering Mexico.

9 SECTION 7. Section 10(a), Article 4413(37), Revised
10 Statutes, is amended by adding Subdivision (3) to read as follows:

11 (3) "Watercraft years of insurance" means the total
12 number of years or portions of years during which a watercraft is
13 covered by insurance.

14 SECTION 8. Sections 10(b) and (e), Article 4413(37),
15 Revised Statutes, are amended to read as follows:

16 (b) An insurer shall pay to the authority a fee equal to the
17 sum of \$2 multiplied by the total number of motor vehicle years of
18 insurance for insurance policies delivered, issued for delivery, or
19 renewed by the insurer and \$2 multiplied by the total number of
20 watercraft years of insurance for insurance policies delivered,
21 issued for delivery, or renewed by the insurer. The fee shall be
22 paid not later than:

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

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

1 (e) Fifty percent of each fee collected under Subsection (b)
2 of this section shall [~~may~~] be deposited to the credit of the
3 vehicle crime prevention account [~~appropriated only to the~~
4 ~~authority for the purposes of this article~~].

5 SECTION 9. Article 4413(37), Revised Statutes, is amended
6 by adding Section 10A to read as follows:

7 Sec. 10A. VEHICLE CRIME PREVENTION ACCOUNT. (a) The
8 vehicle crime prevention account is an account in the general
9 revenue fund that shall be appropriated only to the authority to pay
10 administrative costs and to achieve the purposes of this article.

11 (b) The account consists of money deposited to the credit of
12 the account, including money deposited under Section 10(e) of this
13 article.

14 (c) Interest on the account shall be credited to the
15 account.

16 (d) The account is exempt from the application of:

17 (1) Section 403.095, Government Code, as effective on
18 September 1, 2013; and

19 (2) any successor to that section.

20 SECTION 10. Section 11(a), Article 4413(37), Revised
21 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.
22 3225), Acts of the 80th Legislature, Regular Session, 2007, is
23 reenacted to read as follows:

24 (a) In this section, "motor vehicle theft rate" means the
25 ratio of motor vehicle burglaries or thefts in this state to the
26 number of motor vehicles in this state. The ratio shall be based on
27 statistical information provided by the Department of Public

1 Safety's uniform crime reporting division.

2 SECTION 11. It is the intent of the legislature that:

3 (1) to the extent the differences are irreconcilable
4 and regardless of relative dates of enactment and relative
5 effective dates, the exemption of the vehicle crime prevention
6 account from the application of Section 403.095, Government Code,
7 and any successor to that section, provided by Section 10A(d),
8 Article 4413(37), Revised Statutes, as added by this Act, prevails
9 over any other Act of the 83rd Legislature, Regular Session, that
10 becomes law; and

11 (2) Section 403.095, Government Code, as effective on
12 September 1, 2013, and any successor to that section do not apply to
13 the vehicle crime prevention account.

14 SECTION 12. The change in law made by this Act applies only
15 to an insurance policy issued, delivered, or renewed on or after the
16 effective date of this Act. An insurance policy issued, delivered,
17 or renewed before the effective date of this Act is governed by the
18 law in effect on the date the insurance policy was issued,
19 delivered, or renewed, and the former law is continued in effect for
20 that purpose.

21 SECTION 13. This Act takes effect September 1, 2013.