

By: Lucio

S.B. No. 1425

A BILL TO BE ENTITLED

AN ACT

relating to the Automobile Burglary and Theft Prevention Authority.

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

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

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

SECTION 2. Section 1(4), Article 4413(37), Revised Statutes, is amended to read as follows:

(4) "Director" means the executive director of the Texas Department of Motor Vehicles ~~[Texas Department of Transportation]~~.

SECTION 3. Sections 5(b), (c), and (d), Article 4413(37), Revised Statutes, are amended to read as follows:

(b) The authority shall meet at the call of the presiding officer ~~[chairman]~~ or at the call of four members.

(c) To be eligible to take office as a member of the authority, a person appointed to the authority must complete ~~[at least one course of]~~ a training program that complies with Subsection (d).

(d) The training program required by Subsection (c) must provide information to the person regarding:

1           (1) the enabling legislation that created the  
2 authority [~~and its policymaking body to which the member is~~  
3 ~~appointed to serve~~];

4           (2) the programs operated by the authority;

5           (3) the role and functions of the authority;

6           (4) the rules of the authority and the department;

7           (5) the current budget for the authority;

8           (6) the results of the most recent formal program  
9 audit of the authority;

10          (7) the requirements of the:

11               (A) open meetings law, Chapter 551, Government  
12 Code;

13               (B) open records law, Chapter 552, Government  
14 Code; and

15               (C) administrative procedure law, Chapter 2001,  
16 Government Code;

17          (8) the requirements of the conflict-of-interest laws  
18 and other laws relating to public officials; and

19          (9) any applicable ethics policies adopted by the  
20 department or the Texas Ethics Commission.

21          SECTION 4. Sections 6(b), (d), (j), and (k), Article  
22 4413(37), Revised Statutes, are amended to read as follows:

23               (b) The authority may solicit and the department may accept  
24 gifts and grants to carry out a purpose or function of the  
25 authority.

26               (d) Not later than April 1 of each year, the authority shall  
27 report on its activities to the lieutenant governor and the speaker

1 of the house of representatives. The report must include:

2 (1) an accounting of all funds received and disbursed  
3 by the authority during the previous fiscal year; and

4 (2) the motor vehicle theft rate for the previous  
5 fiscal year as determined by authority rule.

6 (j) The authority shall:

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

10 (2) ensure that grants are used to help reduce the  
11 incidence of [~~increase:~~

12 [~~(A) the recovery rate of stolen motor vehicles,~~

13 [~~(B) the clearance rate of motor vehicle~~  
14 ~~burglaries and thefts,~~ and

15 [~~(C) the number of persons arrested for~~] motor  
16 vehicle [~~burglary and~~] theft and burglary.

17 (k) The authority shall allocate grant funds primarily  
18 based on where the number of motor vehicle thefts or burglaries  
19 [~~vehicles stolen in,~~] or the motor vehicle [~~burglary or~~] theft or  
20 burglary rate is highest in [~~across,~~] the state [~~rather than based~~  
21 ~~on geographic distribution~~].

22 SECTION 5. Section 6A, Article 4413(37), Revised Statutes,  
23 is amended to read as follows:

24 Sec. 6A. REFUNDS [~~POWER TO REFUND~~]. (a) An insurer may  
25 request a refund of fees or a determination of the sufficiency of  
26 payments of fees collected under Section 10 of this article not  
27 later than the second anniversary of the date the fees were paid.

1           **(b)** The authority may make determinations regarding the  
2 sufficiency of payments made by an ["insurer[" ~~(as defined under~~  
3 ~~Section 10 of this article)~~] of fees collected pursuant to Section  
4 10 of this article.

5           **(c)** ~~[(b)]~~ Pursuant to such determination, the authority  
6 may:

7                   (1) notify the comptroller that payments made by an  
8 insurer are sufficient; and

9                   (2) request the comptroller to draw warrants on the  
10 funds available to the authority for the purpose of refunding  
11 monies to an insurer.

12           **(d)** ~~[(e)]~~ The authority shall make the determination under  
13 Subsection **(c)** ~~[(b)]~~ of this section ~~[as follows:~~

14                   ~~[(1) the two members of the authority who are~~  
15 ~~representatives of insurance companies writing motor vehicle~~  
16 ~~insurance in this state shall recuse themselves,~~

17                   ~~[(2) the remaining five members of the authority shall~~  
18 ~~make the determination]~~ by a simple majority vote.

19           **(e)** ~~[(d)]~~ Determinations made under this section shall be  
20 performed in accordance with procedures set forth in rules adopted  
21 by the authority. The question of eligibility for a refund is not a  
22 contested case within the meaning of the Administrative Procedure  
23 Act (Chapter 2001, Government Code).

24           SECTION 6. Section 7(a), Article 4413(37), Revised  
25 Statutes, is amended to read as follows:

26           (a) The authority shall develop and implement a plan of  
27 operation. The plan of operation must be updated biennially and

1 filed with the speaker of the house of representatives and the  
2 lieutenant governor [~~legislature~~] on or before December 1 of each  
3 even-numbered year.

4 SECTION 7. Section 7(b), 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 and amended to read as follows:

8 (b) The plan of operation must include:

9 (1) an assessment of the scope of the problems of motor  
10 vehicle [~~burglary or~~] theft and economic motor vehicle theft,  
11 including particular areas of the state where the problems are  
12 greatest;

13 (2) an analysis of various methods of combating the  
14 problems of motor vehicle [~~burglary or~~] theft and economic motor  
15 vehicle theft;

16 (3) a plan for providing financial support to combat  
17 motor vehicle [~~burglary or~~] theft and economic motor vehicle theft;  
18 and

19 (4) an estimate of the funds required to implement the  
20 plan of operation.

21 SECTION 8. Section 8(a), Article 4413(37), Revised  
22 Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.  
23 3225), Acts of the 80th Legislature, Regular Session, 2007, is  
24 reenacted and amended to read as follows:

25 (a) Money appropriated to the department for authority  
26 purposes shall be used [~~by the authority~~] to pay the department for  
27 administrative costs and to achieve the purposes of this article,

1 including:

2 (1) ~~[establishing and funding the motor vehicle~~  
3 ~~registration program required by Section 9 of this article,~~

4 ~~[(2)]~~ providing financial support to law enforcement  
5 agencies for economic motor vehicle theft enforcement teams;

6 (2) ~~[(3)]~~ providing financial support to law  
7 enforcement agencies, local prosecutors, local governmental  
8 entities, judicial agencies, and neighborhood, community,  
9 business, and nonprofit organizations for programs designed to  
10 reduce the incidence of economic motor vehicle theft;

11 (3) ~~[(4)]~~ conducting educational programs designed to  
12 inform motor vehicle owners of methods of preventing motor vehicle  
13 ~~[burglary or]~~ theft;

14 (4) ~~[(5)]~~ providing equipment, for experimental  
15 purposes, to assist motor vehicle owners in preventing motor  
16 vehicle ~~[burglary or]~~ theft; and

17 (5) ~~[(6)]~~ establishing a uniform program to prevent  
18 stolen motor vehicles from entering Mexico.

19 SECTION 9. Sections 8(b) and (c), Article 4413(37), Revised  
20 Statutes, are amended to read as follows:

21 (b) In any fiscal year, the ~~[amount of the administrative~~  
22 ~~expenses of the authority, including salaries, travel and marketing~~  
23 ~~expenses, and other overhead expenses may not exceed eight percent~~  
24 ~~of the total expenditures of the authority.~~

25 ~~[(c) The]~~ cost of personnel, ~~[and]~~ services, and  
26 administrative expenses of the authority, including salaries,  
27 travel, and marketing and other overhead expenses incurred by the

1 authority or provided to the authority by the department and by the  
2 attorney general may be paid only from appropriations made for  
3 authority purposes and may not exceed eight percent of those  
4 appropriations. Appropriations made for authority purposes may not  
5 be used for any other purpose.

6 SECTION 10. Sections 10(b), (d), and (e), Article 4413(37),  
7 Revised Statutes, are amended to read as follows:

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

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

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

17 (d) The authority shall notify the Texas Department [~~State~~  
18 ~~Board~~] of Insurance of any insurer that fails to pay the fee  
19 required by this section, and the Texas Department of Insurance  
20 [~~board~~] may for that reason revoke the insurer's certificate of  
21 authority.

22 (e) Fifty percent of each fee collected under Subsection (b)  
23 may be appropriated only for use by [~~to~~] the authority for the  
24 purposes of this article.

25 SECTION 11. The following Sections of Article 4413(37),  
26 Revised Statutes, are repealed:

27 (1) Sections 6(i) and 9; and

1                   (2) Section 11, as amended by Chapters 308 (H.B. 1887)  
2 and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session,  
3 2007.

4                   SECTION 12. This Act takes effect September 1, 2015.