

BILL ANALYSIS

C.S.H.B. 714
By: Wu
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that prohibited yard parking ordinances in certain municipalities are not easily enforced. C.S.H.B. 714 seeks to address this issue by providing for the declaration of a violation of certain municipal parking ordinances to be a civil offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 714 amends the Local Government Code to authorize a municipality with a population of 1.9 million or more, as provided by Transportation Code provisions relating to the administrative adjudication of vehicle parking and stopping offenses, to declare the violation of a municipal ordinance relating to the parking of an unattended motor vehicle in the front or side yard of a single-family residence in a residential area to be a civil offense and by ordinance to establish an administrative adjudication hearing procedure under which a civil fine may be imposed.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 714 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter G, Chapter 545, Transportation Code, is amended by adding Section 545.309 to read as follows:
Sec. 545.309. PRESUMPTION; CERTAIN MUNICIPAL OFFENSES. (a) This section

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (But see SECTION 1 below.)

applies only to a municipality with a population of 1.9 million or more that enacts an ordinance creating an offense involving the parking of an unattended vehicle in certain areas in the front or side yard of a single-family residence that is located in a residential area.

(b) The governing body of a municipality, by ordinance, order, or other official action, may provide that in a prosecution for an offense described by Subsection (a) it is presumed that the registered owner of the vehicle is the person who parked the vehicle at the time and place the offense occurred.

No equivalent provision. *(But see SECTION 1 above.)*

SECTION 2. This Act takes effect September 1, 2017.

SECTION 1. Section 601.001, Local Government Code, is amended to read as follows:

Sec. 601.001. PARKING ON PRIVATE PROPERTY. (a) A municipality by ordinance may regulate the parking of motor vehicles on private property and may enforce the ordinance in the same manner that it enforces ordinances regulating parking in public no-parking zones, including the impoundment of offending vehicles.

(b) As provided by Chapter 682, Transportation Code, a municipality with a population of 1.9 million or more may:

(1) declare the violation of a municipal ordinance relating to the parking of an unattended motor vehicle in the front or side yard of a single-family residence in a residential area to be a civil offense; and

(2) by ordinance establish an administrative adjudication hearing procedure under which a civil fine may be imposed.

SECTION 2. Same as introduced version.