

AN ACT

relating to fees for vehicles stored at vehicle storage facilities; authorizing fee increases and decreases; eliminating a fee; eliminating a minimum fee.

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

SECTION 1. Sections 2303.155(a) and (b), Occupations Code, are amended to read as follows:

(a) For the purposes of this section, "governmental vehicle storage facility" means a garage, parking lot, or other facility that is:

(1) ~~(A)~~ owned by a governmental entity; and

(2) ~~(B)~~ used to store or park at least 10 vehicles each year.

(b) The operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a vehicle stored or parked at the facility:

(1) a notification fee set in a reasonable amount for providing notice under this subchapter, including notice under Section 2303.154(c);

(2) an impoundment fee of \$20, subject to Section 2303.1552, for any action that:

(A) is taken by or at the direction of the owner or operator of the facility; and

(B) is necessary to preserve, protect, or service

1 a vehicle stored or parked at the facility;

2 (3) a daily storage fee, subject to Section 2303.1552,
3 of:

4 (A) [~~not less than \$5 and not more than~~] \$20 for
5 each day or part of a day the vehicle is stored at the facility if
6 the vehicle is not longer than 25 feet; or

7 (B) \$35 for each day or part of a day the vehicle
8 is stored at the facility if the vehicle is longer than 25 feet; and

9 (4) any fee that is required to be submitted to a law
10 enforcement agency, the agency's authorized agent, or a
11 governmental entity [~~, and~~

12 [~~(5) a fee in an amount set by the commission for the~~
13 ~~remediation, recovery, or capture of an environmental or biological~~
14 ~~hazard~~].

15 SECTION 2. Subchapter D, Chapter 2303, Occupations Code, is
16 amended by adding Section 2303.1552 to read as follows:

17 Sec. 2303.1552. BIENNIAL ADJUSTMENT OF CERTAIN FEES. (a)
18 In this section, "consumer price index" means the Consumer Price
19 Index for All Urban Consumers (CPI-U) published by the Bureau of
20 Labor Statistics of the United States Department of Labor.

21 (b) Each odd-numbered year, the commission, not later than
22 November 1:

23 (1) by rule may adjust the impoundment fee under
24 Section 2303.155(b)(2) and the storage fees under Section
25 2303.155(b)(3) by an amount equal to the amount of the applicable
26 fee in effect on December 31 of the preceding year multiplied by the
27 percentage increase or decrease in the consumer price index during

1 the preceding state fiscal biennium; and

2 (2) if the fees are adjusted under Subdivision (1),
3 shall publish the adjusted fees on the department's Internet
4 website.

5 (c) A fee adjusted under Subsection (b) is effective
6 beginning the January 1 following the adoption of a rule under that
7 subsection.

8 (d) If a fee is decreased under this section, the operator
9 of a vehicle storage facility or governmental vehicle storage
10 facility, as defined by Section 2303.155, shall begin charging the
11 adjusted fee on the effective date of the decrease. If a fee is
12 increased under this section, the operator may begin charging the
13 adjusted fee at any time on or after the effective date of the
14 increase.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1140 was passed by the House on April 25, 2019, by the following vote: Yeas 118, Nays 13, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1140 on May 24, 2019, by the following vote: Yeas 125, Nays 17, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1140 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor