

By: King of Uvalde

H.B. No. 1140

Substitute the following for H.B. No. 1140:

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C.S.H.B. No. 1140

A BILL TO BE ENTITLED

1 AN ACT
2 relating to fees for vehicles stored at vehicle storage facilities;
3 authorizing fee increases and decreases; eliminating a fee;
4 eliminating a minimum fee.

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

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

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

- 11 (1) ~~(A)~~ owned by a governmental entity; and
12 (2) ~~(B)~~ used to store or park at least 10 vehicles
13 each year.

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

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

20 (2) an impoundment fee of \$20, subject to Section
21 2303.1552, for any action that:

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

24 (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) On January 1 of each even-numbered year, the impoundment
22 fee under Section 2303.155(b)(2) and the storage fees under Section
23 2303.155(b)(3) are increased or decreased by an amount equal to the
24 amount of the applicable fee in effect on December 31 of the
25 preceding year multiplied by the percentage increase or decrease in
26 the consumer price index during the preceding state fiscal
27 biennium.

1 (c) Not later than November 1 of each odd-numbered year, the
2 commission shall:

3 (1) adjust the fees in accordance with Subsection (b);
4 and

5 (2) publish the adjusted fees on the department's
6 Internet website.

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

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