

1-1 By: King of Uvalde (Senate Sponsor - Zaffirini) H.B. No. 1140  
 1-2 (In the Senate - Received from the House April 26, 2019;  
 1-3 April 29, 2019, read first time and referred to Committee on  
 1-4 Business & Commerce; May 20, 2019, reported favorably by the  
 1-5 following vote: Yeas 8, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to fees for vehicles stored at vehicle storage facilities;  
 1-20 authorizing fee increases and decreases; eliminating a fee;  
 1-21 eliminating a minimum fee.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 2303.155(a) and (b), Occupations Code,  
 1-24 are amended to read as follows:

1-25 (a) For the purposes of this section, "governmental vehicle  
 1-26 storage facility" means a garage, parking lot, or other facility  
 1-27 that is:

- 1-28 (1) ~~[(A)]~~ owned by a governmental entity; and
- 1-29 (2) ~~[(B)]~~ used to store or park at least 10 vehicles  
 1-30 each year.

1-31 (b) The operator of a vehicle storage facility or  
 1-32 governmental vehicle storage facility may charge the owner of a  
 1-33 vehicle stored or parked at the facility:

1-34 (1) a notification fee set in a reasonable amount for  
 1-35 providing notice under this subchapter, including notice under  
 1-36 Section 2303.154(c);

1-37 (2) an impoundment fee of \$20, subject to Section  
 1-38 2303.1552, for any action that:

1-39 (A) is taken by or at the direction of the owner  
 1-40 or operator of the facility; and

1-41 (B) is necessary to preserve, protect, or service  
 1-42 a vehicle stored or parked at the facility;

1-43 (3) a daily storage fee, subject to Section 2303.1552,  
 1-44 of:

1-45 (A) ~~[not less than \$5 and not more than]~~ \$20 for  
 1-46 each day or part of a day the vehicle is stored at the facility if  
 1-47 the vehicle is not longer than 25 feet; or

1-48 (B) \$35 for each day or part of a day the vehicle  
 1-49 is stored at the facility if the vehicle is longer than 25 feet; and

1-50 (4) any fee that is required to be submitted to a law  
 1-51 enforcement agency, the agency's authorized agent, or a  
 1-52 governmental entity ~~[, and~~

1-53 ~~[(5) a fee in an amount set by the commission for the~~  
 1-54 ~~remediation, recovery, or capture of an environmental or biological~~  
 1-55 ~~hazard].~~

1-56 SECTION 2. Subchapter D, Chapter 2303, Occupations Code, is  
 1-57 amended by adding Section 2303.1552 to read as follows:

1-58 Sec. 2303.1552. BIENNIAL ADJUSTMENT OF CERTAIN FEES. (a)  
 1-59 In this section, "consumer price index" means the Consumer Price  
 1-60 Index for All Urban Consumers (CPI-U) published by the Bureau of  
 1-61 Labor Statistics of the United States Department of Labor.

2-1           (b) On January 1 of each even-numbered year, the impoundment  
2-2 fee under Section 2303.155(b)(2) and the storage fees under Section  
2-3 2303.155(b)(3) are increased or decreased by an amount equal to the  
2-4 amount of the applicable fee in effect on December 31 of the  
2-5 preceding year multiplied by the percentage increase or decrease in  
2-6 the consumer price index during the preceding state fiscal  
2-7 biennium.

2-8           (c) Not later than November 1 of each odd-numbered year, the  
2-9 commission shall:

2-10                 (1) adjust the fees in accordance with Subsection (b);  
2-11 and

2-12                 (2) publish the adjusted fees on the department's  
2-13 Internet website.

2-14           (d) If a fee is decreased under this section, the operator  
2-15 of a vehicle storage facility or governmental vehicle storage  
2-16 facility, as defined by Section 2303.155, shall begin charging the  
2-17 adjusted fee on the effective date of the decrease. If a fee is  
2-18 increased under this section, the operator may begin charging the  
2-19 adjusted fee at any time on or after the effective date of the  
2-20 increase.

2-21           SECTION 3. This Act takes effect immediately if it receives  
2-22 a vote of two-thirds of all the members elected to each house, as  
2-23 provided by Section 39, Article III, Texas Constitution. If this  
2-24 Act does not receive the vote necessary for immediate effect, this  
2-25 Act takes effect September 1, 2019.

2-26

\* \* \* \* \*