

SENATE AMENDMENTS

2nd Printing

By: King of Uvalde

H.B. No. 1140

A BILL TO BE ENTITLED

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) 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.

ADOPTED

MAY 21 2019

Letty Cabaud
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Zaffini*

1 Amend H.B. No. 1140 (senate committee printing) by striking
2 added Sections 2303.1552(b) and (c), Occupations Code (page 2,
3 lines 1-13), and substituting the following:

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

6 (1) by rule may adjust the impoundment fee under
7 Section 2303.155(b)(2) and the storage fees under Section
8 2303.155(b)(3) by an amount equal to the amount of the applicable
9 fee in effect on December 31 of the preceding year multiplied by the
10 percentage increase or decrease in the consumer price index during
11 the preceding state fiscal biennium; and

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

15 (c) A fee adjusted under Subsection (b) is effective
16 beginning the January 1 following the adoption of a rule under that
17 subsection.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1140 by King, Tracy O. (Relating to fees for vehicles stored at vehicle storage facilities; authorizing fee increases and decreases; eliminating a fee; eliminating a minimum fee.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to fees for vehicles stored at vehicle storage facilities. Based on information provided by the Texas Department of Licensing and Regulation, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 2, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1140 by King, Tracy O. (Relating to fees for vehicles stored at vehicle storage facilities; authorizing fee increases and decreases; eliminating a fee; eliminating a minimum fee.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to fees for vehicles stored at vehicle storage facilities. Based on information provided by the Texas Department of Licensing and Regulation, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 304 Comptroller of Public
 Accounts

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 26, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1140 by King, Tracy O. (Relating to fees for vehicles stored at vehicle storage facilities; authorizing fee increases and decreases; eliminating a fee; eliminating a minimum fee.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend the Occupations Code relating to fees for vehicles stored at vehicle storage facilities. Based on information provided by the Texas Department of Licensing and Regulation, this analysis assumes that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts

LBB Staff: WP, CLo, SGr, DFR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 18, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1140 by King, Tracy O. (Relating to the adjustment of fees for vehicles stored at vehicle storage facilities; authorizing fee increases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Commission of Licensing and Regulation to biennially adjust fees which a vehicle storage facility may charge related to a vehicle's storage according to the percentage increase or decrease, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) most recently published by the Bureau of Labor Statistics. The bill would also require the commission to notify licensed vehicle storage facilities of the adjustment, and to allow a reasonable period for implementation of the adjustment.

The bill would take effect September 1, 2019.

It is assumed that the provisions of the bill relating to the adjustment of fees for vehicles stored at vehicle storage facilities and any potential increase in complaints against those regulated facilities could be absorbed using existing resources at the Department of Licensing and Regulation.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 452 Department of Licensing and Regulation

LBB Staff: WP, CLo, SGr, DFR