

House Bill 1140
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 a vehicle stored or parked at the facility;

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

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

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

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

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

SENATE VERSION (IE)

SECTION 1. Same as House version.

CONFERENCE

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HOUSE VERSION

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

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

(b) On January 1 of each even-numbered year,

the impoundment fee under Section 2303.155(b)(2) and the storage fees under Section 2303.155(b)(3) are increased or decreased by an amount equal to the amount of the applicable fee in effect on December 31 of the preceding year multiplied by the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium.

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

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

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

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

SENATE VERSION (IE)

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

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

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

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

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

(c) A fee adjusted under Subsection (b) is effective beginning the January 1 following the adoption of a rule under that subsection. [FA1]

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

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE