

BILL ANALYSIS

C.S.H.B. 2295
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Due to insufficient protections in state law, bad actors, oftentimes from other locations, are able to obtain fuel for an aircraft on credit without being held accountable if they fail to pay their bills. C.S.H.B. 2295 seeks to ensure those who contractually purchase fuel with Texas-based companies can be held to payment terms by those who provide those services, regardless of whether the fueling occurs in Texas or elsewhere, by updating the applicability of laws governing the attachment of an aircraft repair and maintenance lien.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2295 amends the Property Code to make statutory provisions providing for the attachment of an aircraft repair and maintenance lien on behalf of a person who stores, fuels, repairs, or performs maintenance work on the aircraft applicable to the fueling of an aircraft without regard to whether the fueling is performed within or outside of Texas or the United States. This does not apply with respect to an aircraft owned, leased, or operated by or on behalf of an air carrier that is certificated to conduct scheduled air transportation services under certain federal regulations. These provisions apply only to the fueling of an aircraft performed on or after the bill's effective date.

C.S.H.B. 2295 establishes that state law governing aircraft repair and maintenance liens does not abridge the protections afforded by any applicable law, including Uniform Commercial Code--Secured Transactions and common law.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2295 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced establishing that state law governing aircraft repair and maintenance liens does not abridge the protections afforded by any applicable law, including Uniform Commercial Code--Secured Transactions and common law.