

By: Cook

H.B. No. 4447

A BILL TO BE ENTITLED

1 AN ACT
2 relating to impoundment, storage, and notification fees for
3 vehicles stored at vehicle storage facilities; authorizing fee
4 increases and decreases; requiring the adjustment of authorized
5 fees.

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

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

9 (b) The operator of a vehicle storage facility or
10 governmental vehicle storage facility may charge the owner of a
11 vehicle stored or parked at the facility:

12 (1) a notification fee set in a reasonable amount,
13 subject to Subsection (c), for providing notice under this
14 subchapter, including notice under Section 2303.154(c);

15 (2) an impoundment fee of \$20, subject to Section
16 2303.1552, for any action that:

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

19 (B) is necessary to preserve, protect, or service
20 a vehicle stored or parked at the facility;

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

23 (A) \$20 for each day or part of a day the vehicle
24 is stored at the facility if the vehicle is not longer than 25 feet;

1 or

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

4 (4) any fee that is required to be submitted to a law
5 enforcement agency, the agency's authorized agent, or a
6 governmental entity.

7 (c) A notification fee under Subsection (b) may not, subject
8 to Section 2303.1552, exceed \$50, except that if notice by
9 publication is required by this chapter and the cost of publication
10 exceeds 50 percent of the notification fee, the vehicle storage
11 facility may recover the additional amount of the cost of
12 publication from the vehicle owner or agent.

13 SECTION 2. Section 2303.1552(b), Occupations Code, is
14 amended to read as follows:

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

17 (1) by rule may adjust the impoundment fee under
18 Section 2303.155(b)(2), ~~and~~ the storage fees under Section
19 2303.155(b)(3), and the maximum amount of the notification fee
20 under Section 2303.155(c) by an amount equal to the amount of the
21 applicable impoundment or storage fee or maximum notification fee
22 in effect on December 31 of the preceding year multiplied by the
23 percentage increase or decrease, if any, in the consumer price
24 index during the ~~preceding~~ state fiscal biennium ending August 31
25 of the year in which the commission adopts a final rule under this
26 section; and

27 (2) if a fee or maximum amount is ~~[the fees are]~~

1 adjusted under Subdivision (1), shall publish the adjusted fee or
2 maximum amount [~~fees~~] on the department's Internet website.

3 SECTION 3. Subchapter D, Chapter 2303, Occupations Code, is
4 amended by adding Sections 2303.1553 and 2303.1554 to read as
5 follows:

6 Sec. 2303.1553. ONE-TIME ADJUSTMENT TO CERTAIN FEES:
7 TEMPORARY PROVISION. (a) Not later than November 1, 2023, the
8 commission shall:

9 (1) adjust the impoundment fee under Section
10 2303.155(b)(2), the storage fees under Section 2303.155(b)(3), and
11 the maximum amount of the notification fee under Section
12 2303.155(c) by an amount equal to the amount of the applicable fee
13 or maximum amount in effect on December 31, 2005, multiplied by the
14 percentage increase or decrease, if any, in the consumer price
15 index, as defined by Section 2303.1552(a), that occurred during the
16 period beginning December 31, 2005, and ending December 31, 2019;
17 and

18 (2) if a fee or maximum amount is adjusted under
19 Subdivision (1), publish the adjusted fee or maximum amount on the
20 department's Internet website.

21 (b) This section expires September 1, 2025.

22 Sec. 2303.1554. ONE-TIME INCREASE TO NOTIFICATION FEE
23 MAXIMUM AMOUNT: TEMPORARY PROVISION. (a) Not later than November 1,
24 2023, the commission shall increase the maximum amount of the
25 notification fee under Section 2303.155(c) by an amount equal to
26 the sum of:

27 (1) the maximum amount of the notification fee in

1 effect on December 31, 2019, multiplied by the percentage increase
2 the commission applied to the impoundment fee under Section
3 2303.155(b)(2) and the storage fees under Section 2303.155(b)(3) in
4 the final rule adopted by the commission under Section 2303.1552(b)
5 on October 25, 2019, 44 Tex. Reg. 6365 (2019); and

6 (2) the maximum amount of the notification fee as
7 adjusted under Section 2303.1553(a)(1) multiplied by the
8 percentage increase the commission applied to the impoundment fee
9 under Section 2303.155(b)(2) and the storage fees under Section
10 2303.155(b)(3) in the final rule adopted by the commission under
11 Section 2303.1552(b) on October 29, 2021, 46 Tex. Reg. 7399 (2021).

12 (b) This section expires September 1, 2025.

13 SECTION 4. This Act takes effect September 1, 2023.