

BILL ANALYSIS

C.S.H.B. 3704
By: Canales
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that Texas' proximity to an international border has created a unique situation in regard to automobile theft, with stolen vehicles often being driven across the Texas-Mexico border to subsequently be sold in Mexico. These parties recognize a need for more strategies to prevent transnational automobile theft. C.S.H.B. 3704 seeks to assist in thwarting automobile thefts on this international border.

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. 3704 amends the Government Code to require the Department of Public Safety (DPS) to develop a statewide motor vehicle registration program to help prevent transnational motor vehicle theft. The bill prohibits DPS from implementing the program unless the legislature subsequently provides by general law for the implementation of the program. The bill authorizes an owner of a motor vehicle, under the program, to register the motor vehicle with DPS to authorize a peace officer to stop the registered vehicle before the vehicle crosses the international border of Texas. The bill authorizes a peace officer who observes a motor vehicle that is registered under the program and is crossing the international border of Texas to stop the motor vehicle to determine whether the motor vehicle is being operated by the owner or with the owner's permission. The bill requires DPS to develop a form to register a motor vehicle under the program, requires the form to advise the motor vehicle owner of a peace officer's authority to stop the vehicle for the program's purpose, and prohibits a motor vehicle from being registered under the program unless the owner consents to that authority.

C.S.H.B. 3704 requires the motor vehicle registration program to provide a method for a motor vehicle owner to withdraw a motor vehicle from the program and prohibits the program from requiring a motor vehicle owner to participate in the program. The bill requires DPS, after implementation of the program, to maintain a database of all motor vehicles registered under the program. The bill requires DPS to propose rules to administer the program and authorizes DPS to propose a registration fee in an amount sufficient to recover the cost of administering the program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3704 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. (a) The Department of Public Safety shall conduct a study on trans-national automobile theft while consulting with the Federal Government, the Texas Auto Burglary and Theft Prevention Authority and Auto Burglary and Theft Prevention Authority funded tasks forces.

(b) The study shall address:

(1) current automobile theft rates in Texas including data on stolen vehicles brought into Mexico;

(2) practices currently in place to prevent stolen vehicles from exiting Texas into Mexico

(3) suggestions on how to further control automobile theft between Texas and Mexico

(4) determine the feasibility of a no-cross database, whereby vehicle owners can sign and acknowledge that they do not want their vehicles to exit Texas into Mexico

(c) Not later than November, 2016, the Department of Public Safety shall issue a report on the study required under this section to the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the house of representatives and the senate.

(d) This section expires September 1, 2017.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0094 to read as follows:

Sec. 411.0094. MOTOR VEHICLE REGISTRATION PROGRAM. (a) The department shall develop a statewide motor vehicle registration program to help prevent transnational motor vehicle theft. The department may not implement the program unless the legislature subsequently provides by general law for the implementation of the

program.

(b) Under the program, an owner of a motor vehicle may register the motor vehicle with the department to authorize a peace officer to stop the registered vehicle before the vehicle crosses the international border of this state.

(c) The department shall develop a form to register a motor vehicle under the program. The form must advise the owner of the motor vehicle regarding the provisions of Subsection (f). A motor vehicle may not be registered under the program unless the owner consents to the provisions of Subsection (f).

(d) The program must provide a method for an owner to withdraw a motor vehicle from the program. The program may not require an owner of a motor vehicle to participate in the program.

(e) After implementation of the program, the department shall maintain a database of all motor vehicles registered under the program.

(f) A peace officer who observes a motor vehicle that is registered under the program and is crossing the international border of this state may stop the motor vehicle to determine whether the motor vehicle is being operated by the owner or with the owner's permission.

(g) The department shall propose rules to administer the program and may propose a registration fee in an amount sufficient to recover the cost of administering the program.

SECTION 2. 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, 2015.

SECTION 2. Same as introduced version.