

BILL ANALYSIS

H.B. 3215
By: Goldman
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that state law unfairly restricts the ability of certain Texans to use a professional auctioneer to sell their vehicles by certain auction methods if the fleet in question contains more than four vehicles of the same type. H.B. 3215 seeks to address this issue by specifying that a licensed auctioneer is not engaging in business as a motor vehicle dealer under certain circumstances for purposes of the requirement to hold a dealer general distinguishing number.

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

H.B. 3215 amends the Transportation Code to specify that a licensed auctioneer acting as a bid caller and selling or offering to sell to the highest bidder at a bona fide auction a business that holds the title to any number of vehicles is not engaging in business as a motor vehicle dealer for purposes of the requirement to hold a dealer general distinguishing number if legal or equitable title does not pass to the auctioneer; the auction is not held to avoid a requirement under statutory provisions relating to dealer's and manufacturer's vehicle license plates; and, for an auction of vehicles owned legally or equitably by a person who holds a general distinguishing number, the auction is conducted at the location for which the general distinguishing number was issued.

EFFECTIVE DATE

September 1, 2017.