

## **BILL ANALYSIS**

C.S.H.B. 3286  
By: Schofield  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that while current law allows a county to ban the parking of a commercial vehicle overnight in a "residential subdivision," no similar protection exists for apartment complexes.

Counties are facing a problem where commercial vehicles, especially trailers, are left parked on the sides of public streets overnight so that the driver does not have to return the vehicle to the place of business or pay to park in a private lot overnight. This practice hinders road access and creates unsafe traffic conditions. C.S.H.B. 3286 seeks to address this issue by providing for the placement of signs prohibiting overnight parking of a commercial motor vehicle near certain apartment complexes.

### **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. 3286 amends the Transportation Code to authorize the owner or manager of an apartment complex, as defined by the bill, to make a written and signed request to a county or municipality with a population of more than 220,000 in which the apartment complex is located for the posting of official signs prohibiting the parking of a commercial motor vehicle in a public right-of-way adjacent to the complex after 10 p.m. and before 6 a.m. The bill does the following:

- authorizes a county or municipality receiving the request to post one or more signs as requested or as the county or municipality determines to be necessary;
- sets out requirements for the posting and contents of the signs; and
- exempts from the parking restrictions a vehicle owned by a commercial establishment that is parked in the public right-of-way adjacent to the property where the establishment is located.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3286 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original authorized a request for the signs to be made by the owner or managing member of a commercial property who operates a business on the property, whereas the substitute authorizes a request to be made by the owner or manager of an apartment complex. The substitute includes a definition for "apartment complex" that was absent from the original.

The substitute does not include the original's authorization for a county or municipality, in the event that it receives a request to post signs from two or more people sharing a common property line, to post signs as necessary in a public right-of-way that is adjacent to one or more of those properties.

The original exempted from the parking restrictions a vehicle owned by a commercial establishment that is parked on the street adjacent to where the establishment is located, whereas the substitute provides that exemption for such a vehicle parked in the public right-of-way adjacent to the establishment.