

SUBJECT: Time period for a vehicle to be declared a junked vehicle

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Ramsay, G. Lewis, B. Brown, Chisum, Farabee, Krusee, Salinas, Swinford

0 nays

1 absent — Hilderbran

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas; Richard Rozier, City of DeSoto

Against — None

BACKGROUND: Current law allows a local governmental authority to remove a junked vehicle from public or private property only after it has been parked there for 45 consecutive days. A person who leaves a junked vehicle for more than this amount of time commits an offense punishable by a fine not to exceed \$200.

DIGEST: HB 1103 would allow a local governmental authority to remove a junked vehicle after 72 hours if the vehicle was on public property and after 30 consecutive days if the vehicle was on private property.

This bill would take effect on September 1, 1999.

SUPPORTERS SAY: Junked vehicles left on public streets are detrimental to the safety and welfare of the public. These vehicles block narrow streets in residential areas and prevent emergency vehicles from getting through. Junked vehicles left on private property tend not only to reduce the value of that property, but also surrounding property. HB 1103 would allow local authorities to respond to neighborhood complaints about these junked vehicles earlier.

Under current law, authorities cannot even ticket a junked vehicle for 45 days. HB 1103 would increase the efficiency of this process and give local communities more authority to deal with junked vehicles that are abandoned.

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OPPONENTS
SAY:

HB 1103 would be too restrictive. The definition of junked vehicle also includes a vehicle that does not have a current licence plate or a valid inspection certificate. This bill would allow local authorities to fine a person up to \$200 for leaving a car on a public roadway for only three days just because the car is missing an up-to-date license plate or inspection certificate.

This bill unfairly would punish lower-income people whose cars break down more often. They would have to pay to have their car towed and repaired within a month if it is on their own property, or within three days if it breaks down in a public area, otherwise facing an additional \$200 fine.

OTHER
OPPONENTS
SAY:

HB 1103 would further restrict individual rights. This bill would allow authorities to fine people who legitimately are working on their cars, if the cars are not operable within 30 days, instead of the more reasonable period of 45 days. Authorities should not have the power to fine citizens for parking their own cars on their own private property.

NOTES:

The committee substitute increased the length of time before a junked vehicle could be removed. The original bill would have allowed a local governmental authority to remove a junked vehicle after 48 consecutive hours if it was on public property, and after 15 consecutive days if it was on private property.