

SUBJECT: Expanding the scope of the Automobile Theft Prevention Authority

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Haggerty, Harless, Hill, Macias, Murphy

0 nays

WITNESSES: For — None

Against — None

On — Susan Sampson, Texas Department of Transportation

BACKGROUND: In 1991, the 72nd Legislature approved HB 640 by Counts, creating the Automobile Theft Prevention Authority (ATPA). Aimed at reducing vehicle theft in Texas, the authority is run by a seven-member, governor-appointed board and is funded by a \$1 charge collected by insurance companies on each motor vehicle owned by policyholders. Since its inception, the ATPA has issued 455 grants totaling \$151 million to cities, counties, and other entities statewide to fund anti-theft programs.

The Texas Department of Transportation (TxDOT) oversees ATPA. The Department of Public Safety (DPS) implements its statewide automobile registration program, which allows owners to place a decal on their automobile that authorizes peace officers to stop the driver of the automobile at certain times during the day to ensure it is being operated by the owner or with the owner's permission.

DIGEST: CSHB 3225 would replace all references to "automobile" within the law governing ATPA authority to "motor vehicle," which would be considered a self-propelled vehicle or a vehicle, trailer, or semi trailer designed for use with a self-propelled vehicle. A vehicle running exclusively on fixed rails or tracks or a piece of equipment solely operated on private property would not be included under this definition.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 3225 would revise the ATPA statute to incorporate a more inclusive term covering farm and construction equipment as well as standard automobiles. Under current practice, ATPA already covers these vehicles in its anti-theft efforts, which have reduced auto theft in Texas by 57 percent since the agency's inception in 1991. The vehicles included under the new language currently pay the \$1 fee that funds the agency. By changing the terminology, this section would conform with the Insurance Code and other sections in state and federal statute.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The original version differed from the committee substitute by not including a definition for "motor vehicle" and including a section authorizing DPS to adopt rules and fees to administer the registration program.

HB 1887 by Truitt, a related bill that, along with enhancing the penalty for repeat auto burglary offenders, would expand the agency's duties and change its name to the Automobile Burglary and Theft Prevention Authority, passed the House on April 5 and has been referred to the Senate Criminal Justice Committee. SB 807 by Whitmire, the identical companion to HB 1887, was reported favorably, without amendment, by the Senate Criminal Justice Committee on April 10 and was recommended for the Senate Local and Uncontested Calendar.

SB 1874 by Whitmire, et al., which would have required the ATPA to include vehicle burglary assessment and theft prevention in its plan of operation, was approved by the Senate during the 2005 regular session, but died in the House.