

BILL ANALYSIS

Senate Research Center

H.B. 1401
By: Palmer (Harris)
Intergovernmental Relations
5-8-97
Engrossed

DIGEST

Currently, Section 396.021 of the Transportation Code states that an automotive wrecking and salvage yard that is located within 1,000 feet of a right-of-way must be screened with a solid barrier fence at least eight feet high and painted a natural earth tone color. Section 396.022, Transportation Code, states that an automotive wrecking and salvage yard may not accumulate salvaged materials to a height exceeding eight feet above ground level, and the yard may not extend to within 50 feet of a right-of-way. Presently, a salvage yard operator who violates these provisions, including the provision which prohibits operation within 50 feet of a right-of-way, is not subject to any minimum fine. Section 396.041 of the Transportation Code allows for a county to issue and renew licenses to operate automotive wrecking and salvage yards; however, the fee for such a license is capped at \$25, which does not accurately reflect the costs for processing the investigation for each licensee. H.B. 1401 would implement a \$100 minimum fine for violation of the 50-foot right-of-way requirement and for violations of certain screening requirements. In addition, this bill would allow counties with populations greater than one million to impose licensing fees of up to \$250 to recover the costs of processing.

PURPOSE

As proposed, H.B. 1401 provides for the regulation of automotive wrecking and salvage yards in certain counties; and establishes penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 396.024(b), Transportation Code, to provide that an offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$500, rather than a Class C misdemeanor.

SECTION 2. Amends Section 396.041(c), Transportation Code, to authorize an ordinance to impose a fee of \$25 for the issuance or renewal of a license, if the ordinance is adopted by the commissioners court of a county with a population of less than 1,000,000; or impose a fee of not more than \$150 for the issuance or renewal of a license, if the ordinance is adopted by the commissioners court of a county containing two or more municipalities each of which has a population of 250,000 or more. Makes a conforming change.

SECTION 3. Amends Section 396.045(b), Transportation Code, to provide that an offense under this section is punishable by a fine of not less than \$100 and not more than \$500, rather than a Class C misdemeanor.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.
Effective date: 90 days after adjournment.