

## **BILL ANALYSIS**

Senate Research Center

S.B. 355  
By: Armbrister  
State Affairs  
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As Filed

### **DIGEST**

Currently, the Automobile Theft Prevention Act (ATPA), created in 1991 by the 72nd Legislature, is subject to the Sunset Act and will be abolished September 1, 1997, unless continued by the legislature. ATPA is responsible for establishing a statewide effort to reduce vehicle theft and the resulting economic losses. The Sunset Advisory Commission has recommended continuation of ATPA and several statutory modifications to the guidelines set forth in regard to ATPA. This bill would continue ATPA within the Texas Department of Transportation, remove ATPA from separate sunset review, and make modifications in regard to the guidelines of ATPA.

### **PURPOSE**

As proposed, S.B. 355 continues the Automobile Theft Prevention Authority (ATPA) within the Department of Transportation, removes ATPA from separate Sunset review, and makes modifications in regard to the guidelines of ATPA.

### **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 1, Article 4413(37), V.T.C.S., by adding Subdivisions (3) and (4) to define "department" and "director."

SECTION 2. Amends Section 3, Article 4413(37), V.T.C.S., by amending Subsections (d), (f), and (h), and by adding Subsections (i), (j), (k), and (l), to update standard language developed by the Sunset Commission in regard to the replacement of "handicap" with "disability." Updates standard language developed by the Sunset Commission in regard to removal of a member of the Automobile Theft Prevention Authority (ATPA). Updates standard language developed by the Sunset Commission in regard to notification of a potential ground for removal. Adds standard language developed by Sunset Commission in regard to persons being prohibited from being appointed as a representative of motor vehicle insurance consumers under this section. Adds standard language developed by the Sunset Commission in regard to Texas trade associations. Adds standard language developed by the Sunset Commission in regard to prohibiting lobbyists from serving as a member of ATPA or acting as the general counsel of ATPA. Adds standard language developed by the Sunset Commission in regard to members' qualifications for office and standards of conduct.

SECTION 3. Amends Section 5, Article 4413(37), V.T.C.S., by amending Subsection (a) and by adding Subsections (c) and (d), to add standard language developed by the Sunset Commission in regard to the presiding officer of ATPA. Adds standard language developed by the Sunset Commission in regard to training for a member of ATPA.

SECTION 4. Amends Section 6, Article 4413(37), V.T.C.S., by amending Subsections (c) and (e) and adding Subsections (f), (g), (h), and (i), to authorize ATPA to contract only with the Texas Department of Transportation (TxDOT). Authorizes ATPA to contract for various services only with or through TxDOT as needed to carry out its purpose, powers, and duties. Deletes a provision authorizing ATPA to enter into contracts in its own name and on its own behalf. Requires TxDOT to provide personnel and services to ATPA as agreed in a contract under this section. Adds standard

language developed by the Sunset Commission in regard to policy making and management responsibilities. Adds standard language developed by the Sunset Commission in regard to public opportunity to be heard. Adds standard language developed by the Sunset Commission in regard to the annual financial report of ATPA. Makes conforming changes.

SECTION 5. Amends Section 6A(b), Article 4413(37), V.T.C.S., to authorize the authority, among other duties, to request the comptroller to draw warrants on the funds available to ATPA, rather than the automobile theft prevention fund, for the purpose of refunding monies to an insurer.

SECTION 6. Amends Section 8, Article 4413(37), V.T.C.S., as follows:

Sec. 8. New heading: USE OF APPROPRIATE FUNDS. Requires money appropriated to TxDOT for ATPA purposes to be used by ATPA to pay TxDOT for contracted administrative costs and to achieve the purposes of this article. Deletes a provision in regard to the automobile theft prevention fund. Prohibits the amount of administrative expenses of ATPA from exceeding eight percent of the total expenditures of ATPA in any fiscal year. Authorizes the cost of personnel and services provided to ATPA by TxDOT to be paid only from appropriations made for ATPA purposes. Prohibits appropriations made for ATPA purposes from being used for any other purposes.

SECTION 7. Amends Section 9(g), Article 4413(37), V.T.C.S., to make conforming changes.

SECTION 8. Amends Section 10(b), Article 4413(37), V.T.C.S., to require the insurer's fee to be paid by March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year. Makes conforming changes.

SECTION 9. Repealer: Article 4413(37), Section 10(e), V.T.C.S.  
Repealer: Article 4413(37), Section 12, V.T.C.S.

SECTION 10. Makes application of this Act prospective. Provides that this Act does not prohibit a person who is a member of ATPA on September 1, 1997, from being reappointed to the authority after passage of this Act.

SECTION 11. Effective date: September 1, 1997.

SECTION 12. Emergency clause.