

BILL ANALYSIS

Senate Research Center
85R1977 JRR-D

S.B. 368
By: Garcia
Transportation
3/16/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 368 is a local bill that affects the constituents of Senate District 6 living in the Aldine community, an unincorporated area of Harris County containing hundreds of salvage yards. Due to the lack of zoning in Harris County, many of these yards are next door to homes. For some time, constituents of Senate District 6 have shared concerns that some of these yards continually violate county regulations.

These violations include not maintaining gated fencing to keep children out and not removing gasoline from all vehicles to prevent pollution or fires. In fact, in the last few years there have been several fires at salvage yards in the Aldine area.

As a result of this ongoing problem, Representative Armando Walle created a task force comprised of community leaders, law enforcement, county representatives, and state agencies. The task force came to the consensus that increasing the maximum civil penalty would deter repeat offenders, while retaining the county's prosecutorial discretion not to harm well-intentioned owners.

Based on this recommendation, S.B. 368 amends Chapter 397, Transportation Code, to increase the maximum civil penalty for violations of Harris County salvage yard regulations from \$1,000 to \$5,000. This is a truly local bill, as Chapter 397 applies only to unincorporated areas of Harris County.

As proposed, S.B. 368 amends current law relating to the regulation of automotive wrecking and salvage yards in certain counties.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 397.0125(a), Transportation Code, to increase to \$5,000 from \$1,000 the maximum civil penalty for each violation of this chapter (Automobile Wrecking and Salvage Yards in Certain Counties), in addition to the penalty provided by Section 397.012 (Penalty).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.