

BILL ANALYSIS

C.S.H.B. 804
By: Geren
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a vehicle storage facility must accept payment by electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle. Interested parties assert that certain language in current law may be interpreted to allow vehicle storage facility operators to refuse forms of payment that are included in the language and assert that such refusal may prevent individuals from paying in a timely manner and allow certain facility operators to keep vehicles longer and charge excessive storage fees. C.S.H.B. 804 seeks to address this issue by amending the applicable law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 804 amends the Occupations Code to include a cash payment among and remove a payment made with an electronic check from the forms of payment each of which an operator of a vehicle storage facility is required to accept for any charge associated with delivery or storage of a vehicle.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 804 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 2303.159, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2303.159, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

84R 21796

15.98.836

Substitute Document Number: 84R 12914

(a) The operator of a vehicle storage facility shall accept each of the following forms of payment [~~by an electronic check, debit card, or credit card~~] for any charge associated with delivery or storage of a vehicle;

- (1) cash;
- (2) electronic check;
- (3) debit card; and
- (4) credit card.

(a-1) The operator of a vehicle storage facility shall conspicuously post a sign that states: "This vehicle storage facility must accept payment by cash, [~~an~~] electronic check, credit card, and [~~or~~] debit card for any fee or charge associated with delivery or storage of a vehicle." The operator of a vehicle storage facility may not refuse to release a vehicle based on the inability of the facility to accept payment by electronic check, debit card, or credit card of a fee or charge associated with delivery or storage of the vehicle unless the operator, through no fault of the operator, is unable to accept the electronic check, debit card, or credit card because of a power outage or a machine malfunction.

SECTION 2. This Act takes effect September 1, 2015.

(a) The operator of a vehicle storage facility shall accept each of the following forms of payment [~~by an electronic check, debit card, or credit card~~] for any charge associated with delivery or storage of a vehicle;

- (1) cash;
- (2) debit card; and
- (3) credit card.

(a-1) The operator of a vehicle storage facility shall conspicuously post a sign that states: "This vehicle storage facility must accept payment by cash, [~~an electronic check,~~] credit card, and [~~or~~] debit card for any fee or charge associated with delivery or storage of a vehicle." The operator of a vehicle storage facility may not refuse to release a vehicle based on the inability of the facility to accept payment by [~~electronic check,~~] debit card[;] or credit card of a fee or charge associated with delivery or storage of the vehicle unless the operator, through no fault of the operator, is unable to accept the [~~electronic check,~~] debit card[;] or credit card because of a power outage or a machine malfunction.

SECTION 2. Same as introduced version.