

BILL ANALYSIS

Senate Research Center
78R4366 JD-F

S.B. 1222
By: Hinojosa
Intergovernmental Relations
3/24/2003
As Filed

DIGEST AND PURPOSE

Currently, municipalities face a number of problems in utilizing Section 502.173, Transportation Code, which was passed in 1995, by the 74th Legislature to allow an optional county fee for child safety via school crossing guards. Vehicle owners outside the municipalities see no benefit from this statute and small communities do not have school crossing guard programs. On the other hand, some cities need additional funding for crossing guards; however, the commissioners court may be hesitant to impose the fee. As proposed, S.B. 1222 creates a new section of the Transportation Code that establishes a mechanism to allow individual cities to impose a fee for child safety.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 502.1735(1), Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 502D, Transportation Code, by adding Section 502.1735, as follows:

Sec. 502.1735. OPTIONAL MUNICIPAL FEE FOR CHILD SAFETY. (a) Defines “school crossing guard.”

(b) Establishes that this section applies only to a municipality that provides the use of school crossing guards to facilitate the safe crossing of streets by children going to or leaving public, parochial, or private elementary or secondary schools.

(c) Authorizes the governing body of the municipality by ordinance to impose an additional fee for child safety. Requires the ordinance to specify the amount of the fee, which may not exceed \$3.

(d) Provides that an additional fee imposed under this section is payable when the owner of a motor vehicle who resides in the municipality applies for the registration or the renewal of the registration of the vehicle, except the fee is prohibited from being imposed or collected in connection with the registration or registration renewal of a vehicle that may be registered under this chapter without payment of a registration fee.

(e) Authorizes an additional fee imposed under this section to take effect only on January 1 of a year. Requires the governing body of municipality to enact the ordinance and provide a copy of the ordinance to the Texas Department of Transportation (TxDOT) by September 10 of the year preceding the year the fee takes effect.

(f) Authorizes the governing body of the municipality by ordinance to increase or decrease the amount of the additional fee imposed under this section or to repeal the fee. Establishes that an increase, decrease, or repeal may take effect only on January

1 of a year. Requires the governing body of the municipality to provide a copy of the ordinance to the TxDOT by September 1 of the year preceding the year that the increase, decrease, or repeal takes effect.

(g) Requires a county assessor-collector to collect the additional fee when the fees imposed under this chapter are collected.

(h) Authorizes the county assessor-collector to deduct for administrative cost an amount not exceeding 10 percent of each additional fee collected by the assessor-collector. Requires the county assessor-collector, after making the deductions, to send the remainder of the fee to the municipality.

(i) Requires a municipality with a population that exceeds 850,000 to deposit revenue from a fee imposed under this subsection to the credit of the child safety trust fund created under Section 106.001 (Creation of Child Safety Trust Fund in Certain Municipalities), Local Government Code. Requires a municipality with a population less than 850,000 to use revenue from a fee imposed under this section in accordance with Article 102.014(g) (Court Costs for Child Safety Fund in Municipalities), Code of Criminal Procedure.

(j) Requires TxDOT, if a motor vehicle may not be registered without payment of the additional fee, to list the amount of the additional fee on the registration receipt for the vehicle and on each renewal notice sent to the owner of the vehicle. Requires the fee to be described as the “ City of_____ Child Safety Fee.”

(k) Prohibits the optional county fee for child safety under Section 502.173 from being imposed or collected in connection with the registration or registration renewal of a motor vehicle that may not be registered without payment of the additional fee under this section.

(l) Requires TxDOT to adopt rules and forms to administer and enforce this section.

SECTION 2. Effective date: upon passage or September 1, 2003.