

Proposed Changes

Chapter 8

Rebuilder/Recycler

Houston Police Department

Auto Dealers Detail

August 2013

Overview

- Clean-up of Chapter 8 and Section 28-34.
 - Clarification of definitions
 - Automotive Rebuilders
 - Consent Storage Lot Operator
 - Dealer in Motor Vehicles
 - Salvage titled motor vehicle
 - Used automotive parts recycler
 - Automotive Board appointees – extend term
 - Standards for new private storage lot licenses

8-16 Definitions

- Automotive Rebuilder – City Ordinance definition currently includes both rebuilders and recyclers. Proposed change will mirror current State Law.
 - State increased requirements for a Recycler license and offers separate licenses (Rebuilder and Recycler)
- *Automotive rebuilders.* Any person who, primarily or incidentally, wholly or part time, engages in, conducts, or carries on the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise dealing with the public in or operating as a public dealer in used, ~~or~~ secondhand or salvage titled motor vehicles or trailers for the purpose ~~by the method or plan~~ of rebuilding or dismantling ~~of~~ wrecked or salvage titled motor vehicles or trailers ~~or of dismantling, wrecking, disassembling and selling the dismantled wrecks or the disassembled parts or accessories thereof to the public.~~

8-16 Definitions

- Consent Storage Lot Operator – The current definition, Automotive Storage Lot Operator, is a source of confusion for many applicants. The name change request is to clarify the purpose of the license as a consent storage lot.
- ~~Automotive~~ Consent storage lot operator. Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or ~~and~~ repossessed motor vehicles; provided however that this term shall not include those who store new or used motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also shall not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes) unless the facility, in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder, keeps vehicles parked or stored with the owners' consent.

8-16 Definitions

- Dealer in Motor Vehicles – Current definition needs to be updated to exclude rebuilders
- *Dealer in motor vehicles.* Any person who, publicly engages in, conducts, or carries on the business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in motor vehicles or motor vehicle trailers, or both; provided, however, that this term does not include a person who repairs or stores disabled, wrecked, or salvage titled motor vehicles, with and to the public.

8-16 Definitions

- Salvage titled motor vehicle – Requesting to add definition to be consistent with current State Law
- Salvage titled motor vehicle means a motor vehicle that has been issued a salvage vehicle title by the Texas Department of Motor Vehicles pursuant to Texas Transportation Code chapter 501.

8-16 Definitions

- Used automotive parts recycler – Requesting to add definition to be consistent with State law specific to rebuilders and recyclers
- Used automotive parts recycler means any person who engages in the public business of keeping or storing discarded, abandoned, junked, wrecked, worn out, salvage titled or otherwise disabled or nonrepairable motor vehicles, including but not limited to cars, trucks, tractor trailers and buses, for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking those motor vehicles to extract therefrom parts, components, or accessories for sale, export or use in an automotive repair or rebuilding business.

8-17 Automotive Board

- Request to change appointment term from one year to two years.
- (b) Appointments to positions created hereunder shall be made on or before January second of each year and shall take effect on that date. Each member of the board shall serve for a term of two ~~one~~ years and until his successor has been appointed and qualified. Any appointed member of the board shall be subject to discharge and removal from his position on the board at any time by the mayor.

8-26 Other Required Records

- Changes are clean-up language only. No substantive changes being requested.
 - Change reference to TX Revised Civil Statutes to the TX Occupations Code.

8-30 Used Automotive parts recyclers, automotive rebuilders and ARFs

- Changes are clean-up language only. No substantive changes being requested.
 - Requested changes refer to the new definition for the *used automotive parts recycler* and *automotive rebuilder*

8-31 Penalty

- Requesting language to be added to specify that the law relates to all business owners, regardless of their current automotive license status.
- Unless otherwise provided, and regardless of whether the person holds a valid license issued pursuant to this chapter, any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$500.00; provided, however, if the person is convicted of an offense under this article that is also a violation of the penal laws of the state, the person shall be subject to the penalties set out in the penal laws for the offense.

8-57 Approval or disapproval of application

- Proposed change removes the appeal of the Automotive Board's decision from City Council. Any appeal requested by the applicant would be to District Court.
 - Common change within City Ordinance

8-58 Fees

- Related to 8-31 regarding the need for a license in order to operate an automotive related business.
- (g) It shall be unlawful for any person to operate a business for which a license is required under this division without first obtaining a license therefor.

8-66 Revocation or Suspension

- Related to 8-57 regarding the final decision of the Automotive Board. Any request for appeal of the Automotive Board's decision will be made to District Court.
- (c) The determination of the automotive board with respect to the application shall be final. ~~A licensee whose license has been revoked or suspended by the automotive board shall have the right to appeal such revocation or suspension to the city council in the manner and under the terms and conditions provided for in section 8-57 of this Code and the council shall follow the procedure set forth in that section.~~

8-155 Standards for approval

- Requires any new private storage lot applicant to have at least 25,000 square feet of space dedicated to the storage of motor vehicles.
- All currently licensed private storage lots will not be affected by the minimum space requirement unless they cease to operate for more than 90 days.
- (4) The proposed private storage lot has less than 25,000 square feet of space ~~ten vehicle storage or parking spaces~~ that will be dedicated used for the storage of motor vehicles.
- A private storage lot that was first operated under an authorization on or before _____, shall be exempt from the requirements of item (4) of this section, provided that the private storage lot is operated continuously under an authorization or renewal authorization without termination, revocation, or lapse longer than 90 days. City Secretary/Editor shall insert the effective date of this Ordinance.

8-172 Business name; fences, paving, signs, etc.

- New language requires all new storage lots to have a solid fence.
- As stated in 8-155, all currently licensed storage lots will not be affected by the solid fence requirement unless they cease to operate for more than 90 days.
- (1) Shall be completely enclosed by a solid fence that complies with subsections (d), (e), (f), and (g) of section 8-30 of this Code of at least six feet in height, with a gate that is locked at all times the authorization holder or an agent or employee is not at the storage lot;
- A private storage lot that was first operated under an authorization on or before _____, shall be exempt from the requirements of item (1) of this subsection, provided that the private storage lot is operated continuously under an authorization or renewal authorization without termination, revocation or lapse longer than 90 days.

28-34 Location of automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders and lots used for open storage by metal recyclers/secondhand metal dealers

- Proposed changes are clean-up language only. No substantive changes requested.
- Changes are specific to recycler/rebuilder.

Questions?

- Contact the Auto Dealers Detail at 832-394-4800 or hpd.autodealers@houstonpolice.org