

## CHAPTER 1019

H.B. No. 2116

## AN ACT

relating to the regulation of the hours of operation of a motor vehicle salvage yard in certain counties; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title 116, Revised Statutes, is amended by adding Article 6687-2b to read as follows:

*Art. 6687-2b. HOURS OF OPERATION OF MOTOR VEHICLE SALVAGE YARD IN POPULOUS COUNTIES.* (a) *A motor vehicle salvage dealer may not operate heavy machinery in a motor vehicle salvage yard between the hours of 7 p.m. of one day and 7 a.m. of the following day.*

(b) *A motor vehicle salvage dealer may not operate heavy machinery in a motor vehicle salvage yard at any time on a Sunday.*

(c) *This article applies only to a motor vehicle salvage yard located in a county with a population of 2.8 million or more, according to the most recent federal decennial census.*

(d) *A person who violates this article commits a Class C misdemeanor.*

(e) *The prosecutor in the county where the salvage yard is located or the city attorney in the municipality where the salvage yard is located may bring suit to enjoin a violation of this article.*

(f) *In this article, "motor vehicle salvage dealer" has the meaning assigned by Section 1, Chapter 506, Acts of the 57th Legislature, Regular Session, 1961 (Article 6687-2, Vernon's Texas Civil Statutes), and its subsequent amendments.*

(g) *This article excludes sales and purchases by a person who:*

(1) *is predominately engaged in the business of obtaining ferrous or nonferrous metals that have served their original economic purpose in order to convert such metals, or to sell such metals for conversion, into raw material products consisting of prepared grades and having an existing or potential economic value;*

(2) *has facilities for performing the process by which ferrous or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, the processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof; and*

(3) *is selling or purchasing such ferrous or nonferrous metals solely for purposes of use in the form of raw materials in the production of new products.*

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 15, 1993, by a non-record vote; the House refused to concur in Senate amendments to H.B. No. 2116 on May 22, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 2116 on May 29, 1993, by a non-record vote; passed by the Senate, with amendments, on May 12, 1993: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the

Senate adopted the conference committee report on H.B. No. 2116 on May 28, 1993,  
by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.