

BILL ANALYSIS

Senate Research Center
79R8366 JRJ-D

H.B. 600
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Transportation & Homeland Security
5/11/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Signs may not be erected on a public right-of-way without governmental authorization. However, hundreds of signs, known as "bandit" signs, are erected without such authorization. Due to overworked state and local officials and inadequate enforcement laws, ineffective enforcement has resulted.

H.B. 600 provides additional enforcement tools to protect the public rights-of-way, by broadening the number of parties who can be prosecuted, providing civil remedies, and broadening the types of courts that can hear these cases.

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 392.032(a), Transportation Code, to prohibit a person to allow the placement of or commission the placement of a sign on a state highway right-of-way unless the placement of the sign is authorized by state law. Deletes existing text prohibiting maintaining a sign on a state highway right-of-way.

SECTION 2. Amends Section 392.0325, Transportation Code, by adding Subsections (c) and (d) to set forth certain signs to which this subchapter (Signs on State Highway Right-of-Way) does not apply.

SECTION 3. Amends Subchapter B, Chapter 392, Transportation Code, by adding Section 392.0355, as follows:

Sec. 392.0355. CIVIL PENALTY. (a) Provides that in addition to being subject to a criminal penalty, a person who intentionally violates this subchapter is liable for a civil penalty. Authorizes the attorney general or a district or county attorney of the county in which the violation is alleged to have occurred to sue to collect the penalty.

(b) Sets forth the amount of the penalty. Authorizes a separate penalty to be collected for each day a continuing violation occurs.

(c) Requires the penalty collected under this section to be deposited to the credit of the state highway fund if collected by the attorney general and to the credit of the county road and bridge fund of the county in which the violation occurred if collected by a district or county attorney.

SECTION 4. Amends Section 393.002, Transportation Code, to prohibit placing or commissioning the placement of, rather than just placing, a sign on the right-of-way of a public road, except as provided by Section 393.0025 and 393.0026, rather than just Section 393.0025. Makes a nonsubstantive change.

SECTION 5. Amends Section 393.0025(a), Transportation Code, to prohibit a person from allowing the placement of or commissioning the placement of a sign on the right-of-way of a

road or highway maintained by a municipality unless the placement is authorized by the municipality.

SECTION 6. Amends Chapter 393, Transportation Code, by adding Section 393.0026, as follows:

Sec. 393.0026. EXCEPTION. Sets forth the signs to which this chapter (Outdoor Signs on Public Rights-of-Way) does not apply.

SECTION 7. Amends Section 393.003(a), Transportation Code, to authorize a trained volunteer authorized by the commissioners court of a county to confiscate a sign placed in violation of Section 393.002.

SECTION 8. Amends Section 393.004, Transportation Code, by adding Subsection (d) to authorize the sheriff, constable, or other trained volunteer authorized by the commissioners court to discard a sign of less than \$25 in value without giving the notice required by Section 393.003.

SECTION 9. Amends Section 393.005(a), Transportation Code, to provide that a person commits an offense if the person places or commissions the placement of, rather than places, a sign in violation of this chapter, rather than Section 393.002.

SECTION 10. Amends Chapter 393, Transportation Code, by adding Section 393.007, as follows:

Sec. 393.007. CIVIL PENALTY. (a) Provides that in addition to being subject to a criminal penalty, a person who intentionally violates this subchapter is liable for a civil penalty. Authorizes a district or county attorney or a municipal attorney in the jurisdiction in which the violation is alleged to have occurred to sue to collect the penalty.

(b) Sets forth the amount of the penalty. Authorizes a separate penalty to be collected for each day a continuing violation occurs.

(c) Requires the penalty collected under this section to be deposited to the general fund of the municipality in which the violation occurred if collected by a municipal attorney, or to the credit of the county road and bridge fund of the county in which the violation occurred if collected by a district or county attorney.

SECTION 11. Amends Section 26.045, Government Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Creates an exception, as provided by Subsection (f), to the rule that a county court that is in a county with a criminal district court does not have any criminal jurisdiction. Makes a conforming change.

(f) Provides that a county court has concurrent jurisdiction with a municipal court in cases that arise in the municipality's extraterritorial jurisdiction and that arise under an ordinance of the municipality applicable to the extraterritorial jurisdiction under Section 216.902 (Regulation of Outdoor Signs in Municipality's Extraterritorial Jurisdiction), Local Government Code.

SECTION 12. Amends Section 27.031, Government Code, by adding Subsection (c) to provide that a justice court has concurrent jurisdiction with a municipal court in cases that arise in the municipality's extraterritorial jurisdiction and that arise under an ordinance of the municipality applicable to the extraterritorial jurisdiction under Section 216.902, Local Government Code.

SECTION 13. Amends Article 4.11, Code of Criminal Procedure, by adding Subsection (c) to provide that a justice court has concurrent jurisdiction with a municipal court in criminal cases that arise in the municipality's extraterritorial jurisdiction and that arise under an ordinance of the municipality applicable to the extraterritorial jurisdiction under Section 216.902, Local Government Code.

SECTION 14. Makes application of Sections 392.032, 393.002, 393.0025, and 393.005, Transportation Code, as amended by this Act, and Section 393.0026, Transportation Code, as added by this Act, prospective.

SECTION 15. Effective date: September 1, 2005.