

BILL ANALYSIS

Senate Research Center
81R24949 ATP-F

C.S.S.B. 1945
By: West
Intergovernmental Relations
4/20/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill closes a loophole whereby municipal authorities have been unable to serve legal notice of code violations at certain apartment developments.

C.S.S.B. 1945 amends current law relating to the issuance of a citation to an owner of real property for a violation of a county or municipal rule or ordinance.

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 250.003(a), Local Government Code, to provide that an individual who is an employee of the owner of real property for which a citation for a violation of a county or municipal rule or ordinance is issued, or of a company that manages the property on behalf of the property owner, is not personally liable for criminal or civil penalties resulting from the violation if, not later than the second business day after the date the citation is issued, the individual provides the property owner's name, current street address, and telephone number to the enforcement official who issues the citation or the official's superior.

SECTION 2. Amends Section 250.004, Local Government Code, as follows:

Sec. 250.004. New heading: AGENT FOR SERVICE; NOTICE OF CITATION. (a) Creates this subsection from existing text. Provides that the employee of the owner or management company to whom a citation described by Section 250.003 is issued is considered the owner's agent for accepting service of the citation for the violation of the county or municipal rule or ordinance. Deletes existing text providing that the employee of the owner management company is considered the owner's agent if the property owner's street address is not in this state.

(b) Requires that the county or municipality issuing the citation mail notice of the citation to the property owner at the address most recently provided to the county or municipality by the property owner or by the employee of the owner or management company under Section 250.003(a). Provides that this subsection does not require a county or municipality to mail notice using a service that provides delivery confirmation.

SECTION 3. Effective date: January 1, 2010.