

By: Jackson

S.B. No. 1341

A BILL TO BE ENTITLED

AN ACT

relating to the duty of a seller to give notice of certain purchases of land; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.011 to read as follows:

Sec. 232.011. NOTICE TO COUNTY REGARDING CERTAIN PURCHASES.

(a) This section applies only to a purchase of a tract of land that is located in a county that:

(1) has a population of 150,000 or more and is adjacent to an international border;

(2) has a population of 700,000 or more; or

(3) is adjacent to a county with a population of 700,000 or more.

(b) A seller of a tract of land of less than 10 acres that is the direct product of a subdivision of land shall give written notice of the sale of the tract to the department that oversees engineering for the county in which the tract of land is located not later than the 10th day after the date of the closing of the sale of the tract of land.

(c) The commissioners court may impose an administrative penalty not to exceed \$500 on a seller that does not provide the notice of sale in accordance with Subsection (b).

(d) The amount of the penalty authorized by Subsection (c)

1 shall be based on:

2 (1) the harm resulting from the failure to give notice
3 or failure to give adequate or timely notice;

4 (2) the seller's history of previous violations of
5 this section, if any;

6 (3) any efforts by the seller to correct the
7 violation; and

8 (4) any other factors that the commissioners court
9 considers appropriate.

10 (e) A seller may appeal an administrative penalty imposed
11 under this section to the district court in the county in which the
12 tract of land is located. The enforcement of the penalty may be
13 stayed during the time the imposition of the penalty is under
14 judicial review by the district court if the seller pays the penalty
15 to the clerk of the district court or files a supersedeas bond with
16 the court in the amount of the penalty. A person who cannot afford
17 to pay the penalty or file the bond may stay the enforcement by
18 filing an affidavit in the manner required by the Texas Rules of
19 Civil Procedure for a party who cannot afford to file security for
20 costs, subject to the right of the commissioners court to contest
21 the affidavit as provided by those rules.

22 (f) The commissioners court may sue to collect the penalty
23 imposed under this section.

24 SECTION 2. The change in law made by this Act to Chapter
25 232, Local Government Code, applies only to a purchase of a tract of
26 land that is completed on or after November 1, 2003. A purchase of a
27 tract of land that is completed before November 1, 2003, is governed

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1 by the law in effect immediately preceding the effective date of
2 this Act, and the former law is continued in effect for that
3 purpose.

4 SECTION 3. This Act takes effect September 1, 2003.