

1-1 By: Jackson S.B. No. 1341
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 May 15, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 15, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1341 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the duty of a seller to give notice of certain purchases
1-11 of land; providing an administrative penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 232, Local Government
1-14 Code, is amended by adding Section 232.011 to read as follows:

1-15 Sec. 232.011. NOTICE TO COUNTY REGARDING CERTAIN PURCHASES.

1-16 (a) This section applies only to a purchase of a tract of land that
1-17 is located in a county that:

1-18 (1) has a population of 150,000 or more and is adjacent
1-19 to an international border;

1-20 (2) has a population of 700,000 or more; or

1-21 (3) is adjacent to a county with a population of
1-22 700,000 or more.

1-23 (b) A seller of a tract of land of less than 10 acres that is
1-24 the direct product of a subdivision of land shall give written
1-25 notice of the sale of the tract to the department that oversees
1-26 engineering for the county in which the tract of land is located not
1-27 later than the 10th day after the date of the closing of the sale of
1-28 the tract of land.

1-29 (c) The commissioners court may impose an administrative
1-30 penalty not to exceed \$500 on a seller that does not provide the
1-31 notice of sale in accordance with Subsection (b).

1-32 (d) The amount of the penalty authorized by Subsection (c)
1-33 shall be based on:

1-34 (1) the harm resulting from the failure to give notice
1-35 or failure to give adequate or timely notice;

1-36 (2) the seller's history of previous violations of
1-37 this section, if any;

1-38 (3) any efforts by the seller to correct the
1-39 violation; and

1-40 (4) any other factors that the commissioners court
1-41 considers appropriate.

1-42 (e) A seller may appeal an administrative penalty imposed
1-43 under this section to the district court in the county in which the
1-44 tract of land is located. The enforcement of the penalty may be
1-45 stayed during the time the imposition of the penalty is under
1-46 judicial review by the district court if the seller pays the penalty
1-47 to the clerk of the district court or files a supersedeas bond with
1-48 the court in the amount of the penalty. A person who cannot afford
1-49 to pay the penalty or file the bond may stay the enforcement by
1-50 filing an affidavit in the manner required by the Texas Rules of
1-51 Civil Procedure for a party who cannot afford to file security for
1-52 costs, subject to the right of the commissioners court to contest
1-53 the affidavit as provided by those rules.

1-54 (f) The commissioners court may sue to collect the penalty
1-55 imposed under this section.

1-56 SECTION 2. The change in law made by this Act to Chapter
1-57 232, Local Government Code, applies only to a purchase of a tract of
1-58 land that is completed on or after November 1, 2003. A purchase of a
1-59 tract of land that is completed before November 1, 2003, is governed
1-60 by the law in effect immediately preceding the effective date of
1-61 this Act, and the former law is continued in effect for that
1-62 purpose.

1-63 SECTION 3. This Act takes effect September 1, 2003.

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