

By: Eissler, Riddle

H.B. No. 600

A BILL TO BE ENTITLED

1 AN ACT

2 relating to erecting certain signs on certain rights-of-way;  
3 providing penalties.

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

5 SECTION 1. Section 392.032(a), Transportation Code, is  
6 amended to read as follows:

7 (a) A person may not place, allow the placement of, or  
8 commission the placement of ~~[or maintain]~~ a sign on a state highway  
9 right-of-way unless the placement of the sign is authorized by  
10 state law.

11 SECTION 2. Section 392.0325, Transportation Code, is  
12 amended by adding Subsections (c) and (d) to read as follows:

13 (c) This subchapter does not apply to a temporary  
14 directional sign or kiosk erected by a political subdivision as  
15 part of a program approved by the department and administered by the  
16 political subdivision on a highway within the boundaries of the  
17 political subdivision.

18 (d) This subchapter does not apply to a sign placed in the  
19 right-of-way by a public utility or its contractor for purposes of  
20 the utility.

21 SECTION 3. Subchapter B, Chapter 392, Transportation Code,  
22 is amended by adding Section 392.0355 to read as follows:

23 Sec. 392.0355. CIVIL PENALTY. (a) In addition to being  
24 subject to a criminal penalty, a person who intentionally violates

1 this subchapter is liable for a civil penalty. The attorney general  
2 or a district or county attorney of the county in which the  
3 violation is alleged to have occurred may sue to collect the  
4 penalty.

5 (b) The amount of the civil penalty is not less than \$500 or  
6 more than \$1,000 for each violation, depending on the seriousness  
7 of the violation and whether the person has previously violated  
8 this chapter. A separate penalty may be collected for each day a  
9 continuing violation occurs.

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

15 SECTION 4. Section 393.002, Transportation Code, is amended  
16 to read as follows:

17 Sec. 393.002. SIGN PLACEMENT PROHIBITED. Except as  
18 provided by Section 393.0025 and 393.0026, a person may not place or  
19 commission the placement of a sign on the right-of-way of a public  
20 road unless the placement of the sign is authorized by state law.

21 SECTION 5. Section 393.0025(a), Transportation Code, is  
22 amended to read as follows:

23 (a) A person may not place, allow the placement of, or  
24 commission the placement of a sign on the right-of-way of a road or  
25 highway maintained by a municipality unless the placement is  
26 authorized by the municipality.

27 SECTION 6. Chapter 393, Transportation Code, is amended by

1 adding Section 393.0026 to read as follows:

2 Sec. 393.0026. EXCEPTION. (a) This chapter does not apply  
3 to a temporary directional sign or kiosk erected by a political  
4 subdivision as part of a program approved by the department and  
5 administered by the political subdivision on a highway within the  
6 boundaries of the political subdivision.

7 (b) This chapter does not apply to a sign placed in the  
8 right-of-way by a public utility or its contractor for purposes of  
9 the utility.

10 SECTION 7. Section 393.003(a), Transportation Code, is  
11 amended to read as follows:

12 (a) A sheriff, ~~[or]~~ constable, or other trained volunteer  
13 authorized by the commissioners court of a county may confiscate a  
14 sign placed in violation of Section 393.002.

15 SECTION 8. Section 393.004, Transportation Code, is amended  
16 by adding Subsection (d) to read as follows:

17 (d) The sheriff, constable, or other trained volunteer  
18 authorized by the commissioners court may discard a sign of less  
19 than \$25 in value without giving the notice required by Section  
20 393.003.

21 SECTION 9. Section 393.005(a), Transportation Code, is  
22 amended to read as follows:

23 (a) A person commits an offense if the person places or  
24 commissions the placement of a sign in violation of this chapter  
25 [Section 393.002].

26 SECTION 10. Chapter 393, Transportation Code, is amended by  
27 adding Section 393.007 to read as follows:

1       Sec. 393.007. CIVIL PENALTY. (a) In addition to being  
2 subject to a criminal penalty, a person who intentionally violates  
3 this subchapter is liable to the municipality for a civil penalty.  
4 A district or county attorney or a municipal attorney in the  
5 jurisdiction in which the violation is alleged to have occurred may  
6 sue to collect the penalty.

7       (b) The amount of the civil penalty is not less than \$500 or  
8 more than \$1,000 for each violation, depending on the seriousness  
9 of the violation and whether the person has previously violated  
10 this chapter. A separate penalty may be collected for each day a  
11 continuing violation occurs.

12       (c) A penalty collected under this section shall be  
13 deposited to the credit of the general fund of the municipality in  
14 which the violation occurred if collected by a municipal attorney,  
15 or to the credit of the county road and bridge fund of the county in  
16 which the violation occurred if collected by a district or county  
17 attorney.

18       SECTION 11. Section 26.045, Government Code, is amended by  
19 amending Subsection (c) and adding Subsection (f) to read as  
20 follows:

21       (c) Except as provided by Subsections [~~Subsection~~] (d) and  
22 (f), a county court that is in a county with a criminal district  
23 court does not have any criminal jurisdiction.

24       (f) A county court has concurrent jurisdiction with a  
25 municipal court in cases that arise in the municipality's  
26 extraterritorial jurisdiction and that arise under an ordinance of  
27 the municipality applicable to the extraterritorial jurisdiction

1 under Section 216.902, Local Government Code.

2 SECTION 12. Section 27.031, Government Code, is amended by  
3 adding Subsection (c) to read as follows:

4 (c) A justice court has concurrent jurisdiction with a  
5 municipal court in cases that arise in the municipality's  
6 extraterritorial jurisdiction and that arise under an ordinance of  
7 the municipality applicable to the extraterritorial jurisdiction  
8 under Section 216.902, Local Government Code.

9 SECTION 13. Article 4.11, Code of Criminal Procedure, is  
10 amended by adding Subsection (c) to read as follows:

11 (c) A justice court has concurrent jurisdiction with a  
12 municipal court in criminal cases that arise in the municipality's  
13 extraterritorial jurisdiction and that arise under an ordinance of  
14 the municipality applicable to the extraterritorial jurisdiction  
15 under Section 216.902, Local Government Code.

16 SECTION 14. (a) The changes in law made to Sections  
17 392.032, 393.002, 393.0025, 393.0026, and 393.005, Transportation  
18 Code, by this Act apply only to an offense committed on or after the  
19 effective date of this Act. For purposes of this section, an offense  
20 is committed before the effective date of this Act if any element of  
21 the offense occurs before that date.

22 (b) An offense committed before the effective date of this  
23 Act is covered by the law in effect when the offense was committed,  
24 and the former law is continued in effect for that purpose.

25 SECTION 15. This Act takes effect September 1, 2005.