

By: Eissler

H.B. No. 600

A BILL TO BE ENTITLED

AN ACT

relating to erecting or maintaining certain signs on certain rights-of-way; providing penalties.

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

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

(a) A person may not place, ~~or~~ maintain, allow the placement or maintenance on property owned by the person, or commission the placement or maintenance of a sign on a state highway right-of-way unless the placement or maintenance of the sign is authorized by state law.

SECTION 2. Subchapter B, Chapter 392, Transportation Code, is amended by adding Section 392.0355 to read as follows:

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

(b) The amount of the civil penalty is not less than \$500 or more than \$1,000 for each violation, depending on the seriousness of the violation. A separate penalty may be collected for each day a continuing violation occurs.

(c) A penalty collected under this section shall be

1 deposited to the credit of the state highway fund.

2 SECTION 3. Section 393.002, Transportation Code, is amended
3 to read as follows:

4 Sec. 393.002. SIGN PLACEMENT PROHIBITED. Except as
5 provided by Section 393.0025, a person may not place, maintain, or
6 commission the placement or maintenance of a sign on the
7 right-of-way of a public road unless the placement or maintenance
8 is authorized by state law.

9 SECTION 4. Section 393.0025(a), Transportation Code, is
10 amended to read as follows:

11 (a) A person may not place, maintain, or commission the
12 placement or maintenance of a sign on the right-of-way of a road or
13 highway maintained by a municipality unless the placement or
14 maintenance is authorized by the municipality.

15 SECTION 5. Section 393.005(a), Transportation Code, is
16 amended to read as follows:

17 (a) A person commits an offense if the person places,
18 maintains, or commissions the placement or maintenance of a sign in
19 violation of this chapter [~~Section 393.002~~].

20 SECTION 6. Chapter 393, Transportation Code, is amended by
21 adding Section 393.007 to read as follows:

22 Sec. 393.007. CIVIL PENALTY. (a) In addition to being
23 subject to a criminal penalty, a person who intentionally violates
24 this subchapter is liable to the state for a civil penalty. The
25 attorney general or a district or county attorney of the county in
26 which the violation is alleged to have occurred may sue to collect
27 the penalty.

1 (b) The amount of the civil penalty is not less than \$500 or
2 more than \$1,000 for each violation, depending on the seriousness
3 of the violation. A separate penalty may be collected for each day
4 a continuing violation occurs.

5 (c) A penalty collected under this section shall be
6 deposited to the credit of the state highway fund.

7 SECTION 7. Section 26.045, Government Code, is amended by
8 amending Subsection (c) and adding Subsection (f) to read as
9 follows:

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

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

18 SECTION 8. Section 27.031, Government Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) A justice court has concurrent jurisdiction with a
21 municipal court in cases that arise in the municipality's
22 extraterritorial jurisdiction and that arise under an ordinance of
23 the municipality applicable to the extraterritorial jurisdiction
24 under Section 216.902, Local Government Code.

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

27 (c) A justice court has concurrent jurisdiction with a

1 municipal court in criminal cases that arise in the municipality's
2 extraterritorial jurisdiction and that arise under an ordinance of
3 the municipality applicable to the extraterritorial jurisdiction
4 under Section 216.902, Local Government Code.

5 SECTION 10. (a) The changes in law made to Sections
6 392.032, 393.002, 393.0025, and 393.005, Transportation Code, by
7 this Act apply only to an offense committed on or after the
8 effective date of this Act. For purposes of this section, an offense
9 is committed before the effective date of this Act if any element of
10 the offense occurs before that date.

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

14 SECTION 11. This Act takes effect September 1, 2005.