

1-1 By: Eissler, Riddle (Senate Sponsor - Wentworth) H.B. No. 600
1-2 (In the Senate - Received from the House April 22, 2005;
1-3 April 25, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 23, 2005, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 23, 2005, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to erecting certain signs on certain rights-of-way;
1-10 providing penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 392.032(a), Transportation Code, is
1-13 amended to read as follows:

1-14 (a) A person may not place, allow the placement of, or
1-15 commission the placement of ~~[or maintain]~~ a sign on a state highway
1-16 right-of-way unless the placement of the sign is authorized by
1-17 state law.

1-18 SECTION 2. Section 392.0325, Transportation Code, is
1-19 amended by adding Subsections (c) and (d) to read as follows:

1-20 (c) This subchapter does not apply to a temporary
1-21 directional sign or kiosk erected by a political subdivision as
1-22 part of a program approved by the department and administered by the
1-23 political subdivision on a highway within the boundaries of the
1-24 political subdivision.

1-25 (d) This subchapter does not apply to a sign placed in the
1-26 right-of-way by a public utility or its contractor for purposes of
1-27 the utility.

1-28 SECTION 3. Subchapter B, Chapter 392, Transportation Code,
1-29 is amended by adding Section 392.0355 to read as follows:

1-30 Sec. 392.0355. CIVIL PENALTY. (a) In addition to being
1-31 subject to a criminal penalty, a person who intentionally violates
1-32 this subchapter is liable for a civil penalty. The attorney general
1-33 or a district or county attorney of the county in which the
1-34 violation is alleged to have occurred may sue to collect the
1-35 penalty.

1-36 (b) The amount of the civil penalty is not less than \$500 or
1-37 more than \$1,000 for each violation, depending on the seriousness
1-38 of the violation and whether the person has previously violated
1-39 this chapter. A separate penalty may be collected for each day a
1-40 continuing violation occurs.

1-41 (c) A penalty collected under this section shall be
1-42 deposited to the credit of the state highway fund if collected by
1-43 the attorney general and to the credit of the county road and bridge
1-44 fund of the county in which the violation occurred if collected by a
1-45 district or county attorney.

1-46 SECTION 4. Section 393.002, Transportation Code, is amended
1-47 to read as follows:

1-48 Sec. 393.002. SIGN PLACEMENT PROHIBITED. Except as
1-49 provided by Section 393.0025 and 393.0026, a person may not place or
1-50 commission the placement of a sign on the right-of-way of a public
1-51 road unless the placement of the sign is authorized by state law.

1-52 SECTION 5. Section 393.0025(a), Transportation Code, is
1-53 amended to read as follows:

1-54 (a) A person may not place, allow the placement of, or
1-55 commission the placement of a sign on the right-of-way of a road or
1-56 highway maintained by a municipality unless the placement is
1-57 authorized by the municipality.

1-58 SECTION 6. Chapter 393, Transportation Code, is amended by
1-59 adding Section 393.0026 to read as follows:

1-60 Sec. 393.0026. EXCEPTION. (a) This chapter does not apply
1-61 to a temporary directional sign or kiosk erected by a political
1-62 subdivision as part of a program approved by the department and
1-63 administered by the political subdivision on a highway within the
1-64 boundaries of the political subdivision.

2-1 (b) This chapter does not apply to a sign placed in the
2-2 right-of-way by a public utility or its contractor for purposes of
2-3 the utility.

2-4 SECTION 7. Section 393.003(a), Transportation Code, is
2-5 amended to read as follows:

2-6 (a) A sheriff, ~~or~~ constable, or other trained volunteer
2-7 authorized by the commissioners court of a county may confiscate a
2-8 sign placed in violation of Section 393.002.

2-9 SECTION 8. Section 393.004, Transportation Code, is amended
2-10 by adding Subsection (d) to read as follows:

2-11 (d) The sheriff, constable, or other trained volunteer
2-12 authorized by the commissioners court may discard a sign of less
2-13 than \$25 in value without giving the notice required by Section
2-14 393.003.

2-15 SECTION 9. Section 393.005(a), Transportation Code, is
2-16 amended to read as follows:

2-17 (a) A person commits an offense if the person places or
2-18 commissions the placement of a sign in violation of this chapter
2-19 [Section 393.002].

2-20 SECTION 10. Chapter 393, Transportation Code, is amended by
2-21 adding Section 393.007 to read as follows:

2-22 Sec. 393.007. CIVIL PENALTY. (a) In addition to being
2-23 subject to a criminal penalty, a person who intentionally violates
2-24 this subchapter is liable to the municipality for a civil penalty.
2-25 A district or county attorney or a municipal attorney in the
2-26 jurisdiction in which the violation is alleged to have occurred may
2-27 sue to collect the penalty.

2-28 (b) The amount of the civil penalty is not less than \$500 or
2-29 more than \$1,000 for each violation, depending on the seriousness
2-30 of the violation and whether the person has previously violated
2-31 this chapter. A separate penalty may be collected for each day a
2-32 continuing violation occurs.

2-33 (c) A penalty collected under this section shall be
2-34 deposited to the credit of the general fund of the municipality in
2-35 which the violation occurred if collected by a municipal attorney,
2-36 or to the credit of the county road and bridge fund of the county in
2-37 which the violation occurred if collected by a district or county
2-38 attorney.

2-39 SECTION 11. Section 26.045, Government Code, is amended by
2-40 amending Subsection (c) and adding Subsection (f) to read as
2-41 follows:

2-42 (c) Except as provided by Subsections ~~(d)~~ (d) and
2-43 (f), a county court that is in a county with a criminal district
2-44 court does not have any criminal jurisdiction.

2-45 (f) A county court has concurrent jurisdiction with a
2-46 municipal court in cases that arise in the municipality's
2-47 extraterritorial jurisdiction and that arise under an ordinance of
2-48 the municipality applicable to the extraterritorial jurisdiction
2-49 under Section 216.902, Local Government Code.

2-50 SECTION 12. Section 27.031, Government Code, is amended by
2-51 adding Subsection (c) to read as follows:

2-52 (c) A justice court has concurrent jurisdiction with a
2-53 municipal court in cases that arise in the municipality's
2-54 extraterritorial jurisdiction and that arise under an ordinance of
2-55 the municipality applicable to the extraterritorial jurisdiction
2-56 under Section 216.902, Local Government Code.

2-57 SECTION 13. Article 4.11, Code of Criminal Procedure, is
2-58 amended by adding Subsection (c) to read as follows:

2-59 (c) A justice court has concurrent jurisdiction with a
2-60 municipal court in criminal cases that arise in the municipality's
2-61 extraterritorial jurisdiction and that arise under an ordinance of
2-62 the municipality applicable to the extraterritorial jurisdiction
2-63 under Section 216.902, Local Government Code.

2-64 SECTION 14. (a) The changes in law made to Sections
2-65 392.032, 393.002, 393.0025, 393.0026, and 393.005, Transportation
2-66 Code, by this Act apply only to an offense committed on or after the
2-67 effective date of this Act. For purposes of this section, an offense
2-68 is committed before the effective date of this Act if any element of
2-69 the offense occurs before that date.

3-1 (b) An offense committed before the effective date of this
3-2 Act is covered by the law in effect when the offense was committed,
3-3 and the former law is continued in effect for that purpose.
3-4 SECTION 15. This Act takes effect September 1, 2005.

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