

By: Chisum

H.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a county fee for an activity that excavates or cuts the  
3 surface of a county road.

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

5 SECTION 1. Subchapter Z, Chapter 240, Local Government  
6 Code, is amended by adding Section 240.907 to read as follows:

7 Sec. 240.907. FEE FOR CUTTING COUNTY ROAD. (a) In this  
8 section, a cut of a county road means the act of excavating or  
9 cutting the surface of a county road.

10 (b) To provide funds for the future inspection, repair, and  
11 maintenance of a cut road, a county may impose a fee on a person or  
12 other entity for each cut of a county road during or as an incident  
13 to the installation, maintenance, or repair of any facilities or  
14 properties of the person or entity.

15 (c) The fee authorized by this section:

16 (1) may not exceed \$500;

17 (2) may be imposed either before or after the cutting  
18 of the road; and

19 (3) is in addition to any other charge the county is  
20 authorized to impose to repair damage to the road because of the  
21 cut.

22 (d) This section does not apply in relation to a person or  
23 other entity that:

24 (1) has entered into an agreement with the county that

1 provides for fees to be paid by the person or entity for the use of  
2 the county roads; or

3 (2) is a utility that is not required under Chapter  
4 181, Utilities Code, to provide notice to a commissioners court of a  
5 county.

6 SECTION 2. A fee imposed under Section 240.907, Local  
7 Government Code, as added by this Act, applies only to a cutting of  
8 a county road that occurs on or after the effective date of this  
9 Act.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2005.