

By: Chisum

H.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

relating to allowing a county to impose a fee for activity that cuts, damages, or otherwise disturbs the surface of a county road.

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

SECTION 1. Chapter 251, Transportation Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 251.901. (a) In this section, a cut of a county road includes any action that excavates, damages, or otherwise disturbs the surface of a county road.

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

(c) The fee authorized by this section:

(1) may not exceed \$500;

(2) may not be imposed on a particular person or entity more than one time;

(3) may be imposed either before or after the cutting of the road; and

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

1 (d) This section does not apply in relation to a person or
2 other entity that has entered into an agreement with the county that
3 provides for fees to be paid by the person or entity for the use of
4 the county roads.

5 SECTION 2. Section 251.901, Transportation Code, applies
6 only to a cutting of a county road that occurs on or after the
7 effective date of this Act.

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