

By: Brown of Kaufman

H.B. No. 1781

A BILL TO BE ENTITLED

AN ACT

relating to creating an offense for the discharge of fireworks near a public highway.

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

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.031 to read as follows:

Sec. 42.031. DISCHARGE OF FIREWORKS NEAR PUBLIC HIGHWAY.

(a) A person commits an offense if the person discharges fireworks, as defined by Section 2154.001, Occupations Code, within 300 feet of a public highway.

(b) In this section, "public highway" means the entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way if any part is open for public use for the purpose of motor vehicle travel. The term includes the right-of-way of a public highway.

(c) An offense under this section is a Class C misdemeanor.

(d) It is a defense to prosecution under this section that the person:

(1) discharged the fireworks on property that was owned or leased by the person at the time of the offense; and

(2) did not discharge the fireworks in a manner that:

(A) obstructed the flow of traffic on the highway; or

1 (B) created litter or hazardous conditions on the
2 highway.

3 SECTION 2. This Act takes effect September 1, 2005.