

AN ACT

relating to liability of certain individuals for certain governmental fines or penalties.

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

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.016 to read as follows:

Sec. 92.016. LIABILITY OF TENANT FOR GOVERNMENTAL FINES.

(a) In this section, "governmental entity" means the state, an agency of the state, or a political subdivision of the state.

(b) A landlord or a landlord's manager or agent may not charge or seek reimbursement from the landlord's tenant for the amount of a fine imposed on the landlord by a governmental entity unless the tenant or another occupant of the tenant's dwelling actually caused the damage or other condition on which the fine is based.

SECTION 2. Chapter 250, Local Government Code, is amended by adding Sections 250.003, 250.004, and 250.005 to read as follows:

Sec. 250.003. PERSONAL LIABILITY OF NONOWNERS. (a) An individual who is an employee of the owner of real property for which a citation for a violation of a county or municipal rule or ordinance is issued, or of a company that manages the property on behalf of the property owner, is not personally liable for criminal or civil penalties resulting from the violation if the individual

1 provides the property owner's name, street address, and telephone  
2 number to the enforcement official who issues the citation or the  
3 official's superior.

4 (b) This section applies only to a citation for a violation  
5 connected with real property for which a political subdivision has  
6 issued a certificate of occupancy or a certificate of completion  
7 with respect to the construction of improvements on the property.  
8 This section does not prohibit a municipality or county from  
9 issuing to an employee or contractor of the property owner or  
10 management company a citation relating to the construction or  
11 development of the property.

12 Sec. 250.004. AGENT FOR SERVICE. If the property owner's  
13 street address is not in this state, the employee of the owner or  
14 management company to whom a citation described by Section 250.003  
15 is issued is considered the owner's agent for accepting service of  
16 the citation for the violation of the county or municipal rule or  
17 ordinance. Service of the citation on the agent has the same legal  
18 effect as service on the owner for the purpose of fines against the  
19 owner or the property, including a warrant or capias.

20 Sec. 250.005. OTHER REMEDIES UNAFFECTED. Sections 250.003  
21 and 250.004 do not limit the availability of remedies against a real  
22 property owner or real property otherwise provided by law,  
23 including fines, closure, injunction, and mandamus.

24 SECTION 3. (a) Section 92.016, Property Code, as added by  
25 this Act, applies only to liability for a fine imposed on a landlord  
26 on or after the effective date of this Act. Liability for a fine  
27 imposed by a landlord before the effective date of this Act is

1 governed by the law in effect immediately before that date, and that  
2 law is continued in effect for that purpose.

3 (b) Sections 250.003, 250.004, and 250.005, Local  
4 Government Code, as added by this Act, apply only to liability for a  
5 violation of a county or municipal rule or ordinance for which a  
6 citation is issued on or after the effective date of this Act.  
7 Liability for a violation for which a citation is issued before the  
8 effective date of this Act is governed by the law in effect  
9 immediately before that date, and that law is continued in effect  
10 for that purpose.

11 SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2005.

S.B. No. 399

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 399 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 399 passed the House on May 20, 2005, by the following vote: Yeas 139, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor