

By: Madla

S.B. No. 399

A BILL TO BE ENTITLED

AN ACT

1 relating to liability of certain individuals for certain
2 governmental fines or penalties.
3

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

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

7 Sec. 92.016. LIABILITY OF TENANT FOR GOVERNMENTAL FINES.

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

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

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

19 Sec. 250.003. PERSONAL LIABILITY OF NONOWNERS. (a) An
20 individual who is an employee of the owner of real property for
21 which a citation for a violation of a county or municipal rule or
22 ordinance is issued, or of a company that manages the property on
23 behalf of the property owner, is not personally liable for criminal
24 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.