

By: Madla

S.B. No. 399

A BILL TO BE ENTITLED

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 Section 250.003 to read as follows:

Sec. 250.003. PERSONAL LIABILITY OF NONOWNERS. 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 provides the property owner's name and street address to the

1 enforcement official who issues the citation or the official's  
2 superior.

3 SECTION 3. (a) Section 92.016, Property Code, as added by  
4 this Act, applies only to liability for a fine imposed on a landlord  
5 on or after the effective date of this Act. Liability for a fine  
6 imposed by a landlord before the effective date of this Act is  
7 governed by the law in effect immediately before that date, and that  
8 law is continued in effect for that purpose.

9 (b) Section 250.003, Local Government Code, as added by this  
10 Act, applies only to liability for a violation of a county or  
11 municipal rule or ordinance for which a citation is issued on or  
12 after the effective date of this Act. Liability for a violation for  
13 which a citation is issued before the effective date of this Act is  
14 governed by the law in effect immediately before that date, and that  
15 law is continued in effect for that purpose.

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