

1-1 By: Madla S.B. No. 399
1-2 (In the Senate - Filed February 8, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 399 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to liability of certain individuals for certain
1-11 governmental fines or penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 92, Property Code, is
1-14 amended by adding Section 92.016 to read as follows:

1-15 Sec. 92.016. LIABILITY OF TENANT FOR GOVERNMENTAL FINES.

1-16 (a) In this section, "governmental entity" means the state, an
1-17 agency of the state, or a political subdivision of the state.

1-18 (b) A landlord or a landlord's manager or agent may not
1-19 charge or seek reimbursement from the landlord's tenant for the
1-20 amount of a fine imposed on the landlord by a governmental entity
1-21 unless the tenant or another occupant of the tenant's dwelling
1-22 actually caused the damage or other condition on which the fine is
1-23 based.

1-24 SECTION 2. Chapter 250, Local Government Code, is amended
1-25 by adding Sections 250.003, 250.004, and 250.005 to read as
1-26 follows:

1-27 Sec. 250.003. PERSONAL LIABILITY OF NONOWNERS. (a) An
1-28 individual who is an employee of the owner of real property for
1-29 which a citation for a violation of a county or municipal rule or
1-30 ordinance is issued, or of a company that manages the property on
1-31 behalf of the property owner, is not personally liable for criminal
1-32 or civil penalties resulting from the violation if the individual
1-33 provides the property owner's name, street address, and telephone
1-34 number to the enforcement official who issues the citation or the
1-35 official's superior.

1-36 (b) This section applies only to a citation for a violation
1-37 connected with real property for which a political subdivision has
1-38 issued a certificate of occupancy or a certificate of completion
1-39 with respect to the construction of improvements on the property.
1-40 This section does not prohibit a municipality or county from
1-41 issuing to an employee or contractor of the property owner or
1-42 management company a citation relating to the construction or
1-43 development of the property.

1-44 Sec. 250.004. AGENT FOR SERVICE. If the property owner's
1-45 street address is not in this state, the employee of the owner or
1-46 management company to whom a citation described by Section 250.003
1-47 is issued is considered the owner's agent for accepting service of
1-48 the citation for the violation of the county or municipal rule or
1-49 ordinance. Service of the citation on the agent has the same legal
1-50 effect as service on the owner for the purpose of fines against the
1-51 owner or the property, including a warrant or capias.

1-52 Sec. 250.005. OTHER REMEDIES UNAFFECTED. Sections 250.003
1-53 and 250.004 do not limit the availability of remedies against a real
1-54 property owner or real property otherwise provided by law,
1-55 including fines, closure, injunction, and mandamus.

1-56 SECTION 3. (a) Section 92.016, Property Code, as added by
1-57 this Act, applies only to liability for a fine imposed on a landlord
1-58 on or after the effective date of this Act. Liability for a fine
1-59 imposed by a landlord before the effective date of this Act is
1-60 governed by the law in effect immediately before that date, and that
1-61 law is continued in effect for that purpose.

1-62 (b) Sections 250.003, 250.004, and 250.005, Local
1-63 Government Code, as added by this Act, apply only to liability for a

2-1 violation of a county or municipal rule or ordinance for which a
2-2 citation is issued on or after the effective date of this Act.
2-3 Liability for a violation for which a citation is issued before the
2-4 effective date of this Act is governed by the law in effect
2-5 immediately before that date, and that law is continued in effect
2-6 for that purpose.

2-7 SECTION 4. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2005.

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