

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 23, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB599 by Eissler (Relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 391.031(a), Transportation Code, to include a property owner to the persons who commit an offense under this provision if the property owner allows outdoor advertising to be erected or maintained on the property. The bill would amend Section 391.035(a), Transportation Code, to authorize district and county attorneys to collect penalties for an offense, in addition to the state Attorney General.

The bill would require a court to order the revocation of an outdoor advertising permit if a sign has been the subject of two penalty orders. The bill would specify that a person commits an offense if the person erects an off-premise sign without a permit from Texas Transportation Commission (TTC) or if the person allows such a sign to be erected on property owned by the person with knowledge that the sign was erected in violation of the statute.

The bill would authorize TTC to impose an administrative penalty in lieu of a suit to collect the existing civil penalty. Under the provisions of the bill, the penalty may not exceed the maximum civil penalty currently provided, and penalty would be deposited into the State Highway Fund. The bill would authorize the TTC to issue an administrative enforcement order revoking a sign permit.

Based on the analysis of the Office of the Attorney General and the Texas Department of Transportation, it is assumed any costs and duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect on September 1, 2005.

Local Government Impact

Costs to local governmental entities to implement the bill would depend on the number of offenders that do not respond to the citation to remove the sign. This would determine the number of suits filed by a district or county attorney. Civil penalties recovered could offset the expenses to district and county attorneys to file injunctions and notify offenders.

Source Agencies: 601 Department of Transportation, 302 Office of the Attorney General

LBB Staff: JOB, SR, MW, TG, KJG