

By: Eissler

H.B. No. 413

A BILL TO BE ENTITLED

1 AN ACT

2 relating to erecting certain signs on certain rights-of-way;
3 providing penalties.

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

5 SECTION 1. Section 392.032(a), Transportation Code, is
6 amended to read as follows:

7 (a) A person may not place, allow the placement of, or
8 commission the placement of ~~[or maintain]~~ a sign on a state highway
9 right-of-way unless the placement of the sign is authorized by
10 state law.

11 SECTION 2. Section 392.0325, Transportation Code, is
12 amended by adding Subsections (c) and (d) to read as follows:

13 (c) This subchapter does not apply to a temporary
14 directional sign or kiosk erected by a political subdivision as
15 part of a program approved by the department and administered by the
16 political subdivision on a highway within the boundaries of the
17 political subdivision.

18 (d) This subchapter does not apply to a sign placed in the
19 right-of-way by a public utility or its contractor for purposes of
20 the utility.

21 SECTION 3. Subchapter B, Chapter 392, Transportation Code,
22 is amended by adding Section 392.0355 to read as follows:

23 Sec. 392.0355. CIVIL PENALTY. (a) In addition to being
24 subject to a criminal penalty, a person who intentionally violates

1 this subchapter is liable for a civil penalty. The attorney general
2 or a district or county attorney of the county in which the
3 violation is alleged to have occurred may sue to collect the
4 penalty.

5 (b) The amount of the civil penalty is not less than \$500 or
6 more than \$1,000 for each violation, depending on the seriousness
7 of the violation and whether the person has previously violated
8 this chapter. A separate penalty may be collected for each day a
9 continuing violation occurs.

10 (c) A penalty collected under this section shall be
11 deposited to the credit of the state highway fund if collected by
12 the attorney general and to the credit of the county road and bridge
13 fund of the county in which the violation occurred if collected by a
14 district or county attorney.

15 SECTION 4. Section 393.002, Transportation Code, is amended
16 to read as follows:

17 Sec. 393.002. SIGN PLACEMENT PROHIBITED. Except as
18 provided by Sections [~~Section~~] 393.0025 and 393.0026, a person may
19 not place or commission the placement of a sign on the right-of-way
20 of a public road unless the placement of the sign is authorized by
21 state law.

22 SECTION 5. Section 393.0025(a), Transportation Code, is
23 amended to read as follows:

24 (a) A person may not place, allow the placement of, or
25 commission the placement of a sign on the right-of-way of a road or
26 highway maintained by a municipality unless the placement is
27 authorized by the municipality.

1 SECTION 6. Chapter 393, Transportation Code, is amended by
2 adding Section 393.0026 to read as follows:

3 Sec. 393.0026. EXCEPTION. (a) This chapter does not apply
4 to a temporary directional sign or kiosk erected by a political
5 subdivision as part of a program approved by the department and
6 administered by the political subdivision on a highway within the
7 boundaries of the political subdivision.

8 (b) This chapter does not apply to a sign placed in the
9 right-of-way by a public utility or its contractor for purposes of
10 the utility.

11 SECTION 7. Section 393.003(a), Transportation Code, is
12 amended to read as follows:

13 (a) A sheriff, ~~[or]~~ constable, or other trained volunteer
14 authorized by the commissioners court of a county may confiscate a
15 sign placed in violation of Section 393.002.

16 SECTION 8. Section 393.004, Transportation Code, is amended
17 by adding Subsection (d) to read as follows:

18 (d) The sheriff, constable, or other trained volunteer
19 authorized by the commissioners court may discard a sign of less
20 than \$25 in value without giving the notice required by Section
21 393.003.

22 SECTION 9. Section 393.005(a), Transportation Code, is
23 amended to read as follows:

24 (a) A person commits an offense if the person places or
25 commissions the placement of a sign in violation of this chapter
26 [Section 393.002].

27 SECTION 10. Chapter 393, Transportation Code, is amended by

1 adding Section 393.007 to read as follows:

2 Sec. 393.007. CIVIL PENALTY. (a) In addition to being
3 subject to a criminal penalty, a person who intentionally violates
4 this subchapter is liable to the municipality for a civil penalty.
5 A district or county attorney or a municipal attorney in the
6 jurisdiction in which the violation is alleged to have occurred may
7 sue to collect the penalty.

8 (b) The amount of the civil penalty is not less than \$500 or
9 more than \$1,000 for each violation, depending on the seriousness
10 of the violation and whether the person has previously violated
11 this chapter. A separate penalty may be collected for each day a
12 continuing violation occurs.

13 (c) A penalty collected under this section shall be
14 deposited to the credit of the general fund of the municipality in
15 which the violation occurred if collected by a municipal attorney,
16 or to the credit of the county road and bridge fund of the county in
17 which the violation occurred if collected by a district or county
18 attorney.

19 SECTION 11. Section 26.045, Government Code, is amended by
20 amending Subsection (c) and adding Subsection (f) to read as
21 follows:

22 (c) Except as provided by Subsections [~~Subsection~~] (d) and
23 (f), a county court that is in a county with a criminal district
24 court does not have any criminal jurisdiction.

25 (f) A county court has concurrent jurisdiction with a
26 municipal court in cases that arise in the municipality's
27 extraterritorial jurisdiction and that arise under an ordinance of

1 the municipality applicable to the extraterritorial jurisdiction
2 under Section 216.902, Local Government Code.

3 SECTION 12. Section 27.031, Government Code, is amended by
4 adding Subsection (c) to read as follows:

5 (c) A justice court has concurrent jurisdiction with a
6 municipal court in cases that arise in the municipality's
7 extraterritorial jurisdiction and that arise under an ordinance of
8 the municipality applicable to the extraterritorial jurisdiction
9 under Section 216.902, Local Government Code.

10 SECTION 13. Article 4.11, Code of Criminal Procedure, is
11 amended by adding Subsection (c) to read as follows:

12 (c) A justice court has concurrent jurisdiction with a
13 municipal court in criminal cases that arise in the municipality's
14 extraterritorial jurisdiction and that arise under an ordinance of
15 the municipality applicable to the extraterritorial jurisdiction
16 under Section 216.902, Local Government Code.

17 SECTION 14. (a) The changes in law made to Sections
18 392.032, 393.002, 393.0025, 393.0026, and 393.005, Transportation
19 Code, by this Act apply only to an offense committed on or after the
20 effective date of this Act. For purposes of this section, an offense
21 is committed before the effective date of this Act if any element of
22 the offense occurs before that date.

23 (b) An offense committed before the effective date of this
24 Act is covered by the law in effect when the offense was committed,
25 and the former law is continued in effect for that purpose.

26 SECTION 15. This Act takes effect September 1, 2007.