

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 20, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: HB412 by Eissler (Relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code as it relates to erecting or maintaining outdoor signs and advertising and erecting off-premise signs without a permit under Chapters 391 and 394.

Under current statute, a person who commits a violation under Chapter 391 is subject to a criminal penalty and is liable to the state for a civil penalty. Provisions of the bill would result in a violator being subject to one or the other, and possibly both instead of automatically both. If a criminal penalty is imposed, violations of statutes related to off-premise signs would be a misdemeanor offense punishable by a fine of between \$500 and \$1,000. Each day of violation would count as a separate offense.

In lieu of a civil penalty or criminal enforcement under Chapter 391, the bill would authorize the Texas Department of Transportation (TxDOT) to impose an administrative penalty against a person who commits an offense. The penalty could not exceed the amount for which a civil penalty may be imposed and would be deposited to the credit of the state highway fund.

The bill would establish procedures related to enforcement of provisions of Chapter 394. In addition, for violations of Chapter 394, Transportation Code, the state would be authorized to recover administrative and legal costs and expenses from a sign owner or the owner of the property on which a sign is removed as a nuisance.

Provisions of the bill would authorize when civil penalties are pursued under either Chapter 391 or Chapter 394, which under current statute may be pursued and collected only by the Office of the Attorney General (OAG) for deposit into the state highway fund, that penalties could be collected by a district or county attorney for deposit into the county road and bridge fund.

The OAG and TxDOT both indicate any expenses associated with enforcement and civil actions could be absorbed using existing resources. In addition, it is assumed that the amount in penalties collected would not be significant. The same is anticipated for local government entities.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, KJG, DB