

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 8, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**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 Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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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. Provisions of the bill would authorize civil penalties, 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, to be collected by a district or county attorney for deposit into the county road and bridge fund. 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, 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. 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.

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