

BILL ANALYSIS

Senate Research Center

H.B. 875
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Transportation & Homeland Security
4/27/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 875 amends current law relating to civil liability for erecting or maintaining certain outdoor signs or advertising. The bill authorizes a district attorney, county attorney, or municipal attorney to recover reasonable attorney's fees incurred in a civil action against a person who places or commissions the placement of a sign on the right-of-way of a public road, placement of which is not otherwise authorized by law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 391.035(a), Transportation Code, to provide that in lieu of being subject to a criminal penalty, a person who intentionally violates this subchapter or Subchapter C (License and Permit for Outdoor Advertising) may be liable, rather than liable to the state, for a civil penalty.

SECTION 2. Amends Section 393.007, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a person who places or commissions the placement of a sign on the right-of-way of a public road that is not otherwise authorized by law may be liable, rather than liable to the municipality, for a civil penalty.

(d) Authorizes a district or county attorney or a municipal attorney to recover reasonable attorney's fees incurred in an action brought under Subsection (a).

SECTION 3. (a) Makes application of Sections 391.035(a) and 393.007, Transportation Code, as added by this Act, prospective.

(b) Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.