

## **BILL ANALYSIS**

H.B. 875  
By: Eissler  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 80th Legislature, Regular Session, 2007, enacted H.B. 412 and H.B. 413 establishing civil penalties for erecting, maintaining, or commissioning the erection of signs in illegal places. These signs are typically known as bandit signs or "litter on a stick." The bills authorized a county attorney or a district attorney to file suit to enforce the law and to collect penalties associated with a judgment. The Harris County attorney filed suit against several violators and discovered two unintentional drafting errors that created ambiguity concerning the county's jurisdiction. Reasonable attorney's fees are recoverable under other sections of the Transportation Code, but are not recoverable under provisions governing outdoor signs on public rights-of-way.

H.B. 875 clarifies a county's jurisdiction in an action brought under the law governing the civil penalty for unauthorized placement of outdoor signs on a public right-of-way and authorizes a district or county attorney or a municipal attorney to recover reasonable attorney's fees incurred in such an action.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 875 amends the Transportation Code to authorize a district or county attorney or a municipal attorney to recover reasonable attorney's fees incurred in an action brought under the law governing the civil penalty for unauthorized placement of outdoor signs on a public right-of-way.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.