

By: Menendez

H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the sale of aerosol paint by counties and municipalities.

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

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.006 to read as follows:

Sec. 250.006. REGULATION OF SALE OF AEROSOL PAINT; SURCHARGE. (a) A county by order or a municipality by ordinance may require a person who sells aerosol paint to:

(1) require proof of identification from the buyer before making a sale to that buyer; and

(2) record the sale, including the identification information, in a log and maintain the log for at least two years after the date of the sale.

(b) An order adopted by a county under this section applies only in the unincorporated area of the county.

(c) To identify buyers when investigating a graffiti incident or other prohibited act involving aerosol paint, an order or ordinance adopted under this section must require that the information contained in the log be made available to appropriate law enforcement persons and the county or municipality that adopted the order or ordinance.

(d) An order or ordinance adopted under this section may require a surcharge not to exceed one dollar on each sale. Money

1 collected under this section may be used only for purposes related  
2 to graffiti abatement.

3         SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.