

By: Eissler

H.B. No. 875

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for erecting or maintaining certain outdoor signs or advertising.

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

SECTION 1. Section 391.035(a), Transportation Code, is amended to read as follows:

(a) In lieu of being subject to a criminal penalty, a person who intentionally violates this subchapter or Subchapter C may be liable ~~[to the state]~~ for a civil penalty. The attorney general or a district or county attorney of the county in which the violation is alleged to have occurred may sue to collect the penalty.

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

(a) 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 ~~[to the municipality]~~ for a civil penalty. A district or county attorney or a municipal attorney in the jurisdiction in which the placement of a sign on the right-of-way of a public road is alleged to have occurred may sue to collect the penalty.

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

1 SECTION 3. (a) The changes in law made by this Act to
2 Sections 391.035(a) and 391.007, Transportation Code, apply only to
3 a violation described by those sections that occurs on or after the
4 effective date of this Act. For purposes of this section, a
5 violation occurs before the effective date of this Act if any
6 element of the violation occurs before that date.

7 (b) A violation that occurs before the effective date of
8 this Act is covered by the law in effect when the offense was
9 committed, and the former law is continued in effect for that
10 purpose.

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