

1-1 By: Eissler, Harless (Senate Sponsor - Carona) H.B. No. 875
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 6, 2009, reported
1-5 favorably by the following vote: Yeas 9, Nays 0; May 6, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to civil liability for erecting or maintaining certain
1-10 outdoor signs or advertising.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 391.035(a), Transportation Code, is
1-13 amended to read as follows:

1-14 (a) In lieu of being subject to a criminal penalty, a person
1-15 who intentionally violates this subchapter or Subchapter C may be
1-16 liable ~~[to the state]~~ for a civil penalty. The attorney general or
1-17 a district or county attorney of the county in which the violation
1-18 is alleged to have occurred may sue to collect the penalty.

1-19 SECTION 2. Section 393.007, Transportation Code, is amended
1-20 by amending Subsection (a) and adding Subsection (d) to read as
1-21 follows:

1-22 (a) A person who places or commissions the placement of a
1-23 sign on the right-of-way of a public road that is not otherwise
1-24 authorized by law may be liable ~~[to the municipality]~~ for a civil
1-25 penalty. A district or county attorney or a municipal attorney in
1-26 the jurisdiction in which the placement of a sign on the
1-27 right-of-way of a public road is alleged to have occurred may sue to
1-28 collect the penalty.

1-29 (d) A district or county attorney or a municipal attorney
1-30 may recover reasonable attorney's fees incurred in an action
1-31 brought under Subsection (a).

1-32 SECTION 3. (a) The changes in law made by this Act to
1-33 Sections 391.035(a) and 393.007, Transportation Code, apply only to
1-34 a violation described by those sections that occurs on or after the
1-35 effective date of this Act. For purposes of this section, a
1-36 violation occurs before the effective date of this Act if any
1-37 element of the violation occurs before that date.

1-38 (b) A violation that occurs before the effective date of
1-39 this Act is covered by the law in effect when the offense was
1-40 committed, and the former law is continued in effect for that
1-41 purpose.

1-42 SECTION 4. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2009.

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