

By: Gonzales

H.B. No. 3313

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a county to obtain a lien against  
3 property of a landowner to secure payment of a fee for the  
4 installation, operation, and maintenance of street lights.

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

6 SECTION 1. Section 280.003, Transportation Code, is amended  
7 by adding Subsections (d), (e), and (f) to read as follows:

8 (d) The commissioners court of a county may obtain a lien  
9 against property to secure payment of a fee imposed by an order  
10 authorized by this section.

11 (e) To obtain a lien against the property to secure payment  
12 of the fee, the commissioners court of the county must file a notice  
13 that contains a statement of the fee assessed, a legal description  
14 of the property sufficient to identify the property, and the name of  
15 the property owner, if known, with the county clerk of the county in  
16 which the property is located.

17 (f) The county's lien to secure payment of a fee imposed by  
18 an order authorized by this section attaches when the notice of lien  
19 is filed and is inferior to a previously recorded bona fide mortgage  
20 lien attached to the real property to which the county's lien  
21 attaches, if the mortgage was filed for record in the office of the  
22 county clerk of the county in which the real property is located  
23 before the date on which the county files the notice of lien with  
24 the county clerk.

1           SECTION 2. The change in law made by this Act applies only  
2 to the assessment of a fee under Section 280.003, Transportation  
3 Code, on or after the effective date of this Act. A fee assessed  
4 under that section before the effective date of this Act is covered  
5 by the law in effect when the fee was assessed, and the former law is  
6 continued in effect for that purpose.

7           SECTION 3. This Act takes effect September 1, 2009.