

BILL ANALYSIS

Senate Research Center
82R29971 E

C.S.H.B. 1768
By: Munoz, Jr. et al. (Hinojosa)
Intergovernmental Relations
5/20/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Hidalgo County considers the solicitation of business by unregulated roadside vendors a major problem in unincorporated areas of the county. The vendors create traffic and other health and safety issues, encroach into rights-of-way, and skirt sales tax laws. Although current law provides regulatory authority to the county, having to go through the county attorney or district attorney for enforcement is timely and inefficient.

This bill would allow certain counties with a population of 450,000 or more to enforce Section 285.004 (Violation of Regulation; Offense) of the Transportation Code, which provides for the regulation of roadside vendors.

C.S.H.B. 1768 amends current law relating to the regulation of roadside vendors and solicitors in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 285.001, Transportation Code, as follows:

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR. (a) Creates this subsection from existing text. Authorizes the commissioners court of a county with a population of more than 450,000, rather than more than 1.3 million, by order, to promote the public safety, to regulate the following in the unincorporated area of the county if they occur on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot:

- (1) the sale of items by a vendor of food or merchandise, including live animals, except as provided by Subsection (b);
- (2) the erection, maintenance, or placement of a structure by a vendor of food or merchandise, including live animals; and
- (3) the solicitation of money.

(b) Prohibits an order under Subsection (a) adopted by the commissioners court of a county with a population of less than 3.3 million from prohibiting the sale of livestock.

SECTION 2. Effective: upon passage or September 1, 2011.