

1-1 By: Munoz, Jr., et al. (Senate Sponsor - Hinojosa) H.B. No. 1768  
1-2 (In the Senate - Received from the House April 18, 2011;  
1-3 April 26, 2011, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2011, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1768 By: Gallegos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of roadside vendors and solicitors in  
1-11 certain counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 285.001, Transportation Code, is amended  
1-14 to read as follows:

1-15 Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR.

1-16 (a) To promote the public safety, the commissioners court of a  
1-17 county with a population of more than 450,000 [~~1.3 million~~] by order  
1-18 may regulate the following in the unincorporated area of the county  
1-19 if they occur on a public highway or road, in the right-of-way of a  
1-20 public highway or road, or in a parking lot:

1-21 (1) the sale of items by a vendor of food or  
1-22 merchandise, including live animals except as provided by  
1-23 Subsection (b);

1-24 (2) the erection, maintenance, or placement of a  
1-25 structure by a vendor of food or merchandise, including live  
1-26 animals; and

1-27 (3) the solicitation of money.

1-28 (b) An order under Subsection (a) adopted by the  
1-29 commissioners court of a county with a population of less than 3.3  
1-30 million may not prohibit the sale of livestock.

1-31 SECTION 2. This Act takes effect immediately if it receives  
1-32 a vote of two-thirds of all the members elected to each house, as  
1-33 provided by Section 39, Article III, Texas Constitution. If this  
1-34 Act does not receive the vote necessary for immediate effect, this  
1-35 Act takes effect September 1, 2011.

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