

By: Price

H.B. No. 2443

Substitute the following for H.B. No. 2443:

By: Darby

C.S.H.B. No. 2443

A BILL TO BE ENTITLED

AN ACT

relating to the offense of remaining, parking vehicles, or erecting
structures on certain state property.

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

SECTION 1. The heading to Section 545.411, Transportation
Code, is amended to read as follows:

Sec. 545.411. USE OF REST AREA OR RIGHT-OF-WAY: OFFENSE.

SECTION 2. Sections 545.411(a) and (c), Transportation
Code, are amended to read as follows:

(a) A person commits an offense if the person remains or
parks a vehicle on state highway right-of-way or at a rest area for
longer than 24 hours or erects a tent, shelter, booth, or structure
on state highway right-of-way or at the rest area and the person:

(1) has notice while conducting the activity that the
activity is prohibited; or

(2) receives notice that the activity is prohibited
but does not depart or remove the vehicle or structure within eight
hours after receiving notice.

(c) It is an exception to Subsection (a) if:

(1) a nonprofit organization erects a temporary
structure at a rest area to provide food services, food, or
beverages to travelers and the Texas Department of Transportation:

(A) [~~(1)~~] finds that the services would
constitute a public service for the benefit of the traveling

public; and

(B) [~~(2)~~] issues a permit to the organization; or

(2) a person remains on or parks a vehicle on state highway right-of-way:

(A) for emergency or highway construction and maintenance purposes;

(B) within the corporate limits of a municipality;

(C) for operations of an electric utility as defined by Section 31.002, Utilities Code, or a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or for surface coal mining and reclamation operations as defined by Section 134.004, Natural Resources Code; or

(D) as authorized under other state or local law, including a municipal ordinance.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2011.