

**House Bill 1768**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Chapter 285, Transportation Code, is amended to read as follows:

CHAPTER 285. COUNTY REGULATION OF ROADSIDE VENDOR AND SOLICITOR IN CERTAIN COUNTIES

SECTION 2. Section 285.001, Transportation Code, is amended to read as follows:

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR. (a) To promote the public safety, the commissioners court of a county with a population of more than 450,000 [~~1.3 million~~] by order may 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) An order under Subsection (a) may not prohibit the sale of livestock.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

SENATE VERSION (CS)

**No equivalent provision.**

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

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR. (a) To promote the public safety, the commissioners court of a county with a population of more than 450,000 [~~1.3 million~~] by order may 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) An order under Subsection (a) adopted by the commissioners court of a county with a population of less than 3.3 million may not prohibit the sale of livestock.

SECTION 2. Same as House version.

CONFERENCE