

**BILL ANALYSIS**

C.S.H.B. 2094  
By: Muñoz, Jr.  
County Affairs  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

According to interested parties, some counties consider the solicitation of business by unregulated roadside vendors to be a major problem in unincorporated areas. The parties allege that the vendors sometimes create traffic and health and safety issues, encroach into rights-of-way, or skirt sales tax laws. The parties note that, even though current law does provide certain regulatory authority to a county, a county attorney, or a district attorney, enforcement of certain matters is time-consuming and inefficient. C.S.H.B. 2094 seeks to address this problem by regulating certain actions of roadside vendors and solicitors in certain counties.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 2094 amends the Transportation Code to authorize the commissioners court of a county with a population of more than 700,000 and less than 800,000 that borders the United Mexican States by order to regulate certain activities of roadside vendors and solicitors in a prescribed manner, except that the bill explicitly limits the regulation of activities on or in the right-of-way of a public highway or road to public highways and roads with a speed limit of 40 miles per hour or faster and prohibits the county from prohibiting the sale of livestock. The bill authorizes such a county regulating vendors to require that a vendor be located not closer to the edge of the public highway or road than a distance that is equal to one-half the width of the right-of-way adjacent to the highway or road.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2094 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 285.001, Transportation Code, is amended to read as follows: Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR.	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 750,000 ~~[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 with a speed limit of 40 miles per hour or faster, in the right-of-way of a public highway or road with a speed limit of 40 miles per hour or faster, or in a public 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.

(c) A county regulating vendors under Subsections (a)(1) and (2) may require that a vendor be located not closer to the edge of the public highway or road than a distance that is equal to one-half the width of the right-of-way adjacent to the highway or road.

SECTION 2. 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, 2013.

(a) To promote the public safety, the commissioners court of a county with a population of more than 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;
- (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) The commissioners court of a county with a population of more than 700,000 and less than 800,000 that borders the United Mexican States by order may regulate the activities described by Subsection (a) in the manner described by that subsection, except that:

- (1) the regulation of activities on or in the right-of-way of a public highway or road is limited to public highways and roads with a speed limit of 40 miles per hour or faster; and
- (2) the county may not prohibit the sale of livestock.

(c) A county regulating vendors under Subsection (b) may require that a vendor be located not closer to the edge of the public highway or road than a distance that is equal to one-half the width of the right-of-way adjacent to the highway or road.

SECTION 2. Same as introduced version.