

By: Huberty

H.B. No. 361

A BILL TO BE ENTITLED

AN ACT

relating to erecting signs for a public election on certain rights-of-way.

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

SECTION 1. Section 392.0325, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) This subchapter does not apply to a sign erected solely for and relating to a public election if the sign:

(1) is on private property;

(2) is erected not earlier than the 90th day before the date of the election and is removed not later than the 10th day after the date of the election;

(3) is constructed of lightweight material; and

(4) has a surface area not larger than 50 square feet.

SECTION 2. Section 393.0026, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter does not apply to a sign erected solely for and relating to a public election if the sign:

(1) is on private property;

(2) is erected not earlier than the 90th day before the date of the election and is removed not later than the 10th day after the date of the election;

(3) is constructed of lightweight material; and

(4) has a surface area not larger than 50 square feet.

1 SECTION 3. Section 395.003, Transportation Code, is amended
2 to read as follows:

3 Sec. 395.003. REGULATION OF SIGNS. (a) The governing body
4 of a toll road authority may adopt rules to license, regulate, or
5 prohibit the placement of a sign visible from the main-traveled way
6 of a toll road in the authority and erected for the purpose of
7 having the message seen from the main-traveled way if the authority
8 determines the rules are necessary to restore, preserve, or enhance
9 the scenic beauty of the property within view of the road.

10 (b) A rule adopted under this section does not apply to a
11 sign erected solely for and relating to a public election if the
12 sign:

13 (1) is on private property;

14 (2) is erected not earlier than the 90th day before the
15 date of the election and is removed not later than the 10th day
16 after the date of the election;

17 (3) is constructed of lightweight material; and

18 (4) has a surface area not larger than 50 square feet.

19 SECTION 4. Section 255.001(c), Election Code, is amended to
20 read as follows:

21 (c) A person may not knowingly use, cause or permit to be
22 used, or continue to use any published, distributed, or broadcast
23 political advertising containing express advocacy that the person
24 knows does not include the disclosure required by Subsection (a). A
25 person is presumed to know that the use of political advertising is
26 prohibited by this subsection if the commission notifies the person
27 in writing that the use is prohibited. A person who learns that

1 political advertising signs[~~, as defined by Section 255.007,~~] that
2 have been distributed do not include the disclosure required by
3 Subsection (a) or include a disclosure that does not comply with
4 Subsection (a) does not commit a continuing violation of this
5 subsection if the person makes a good faith attempt to remove or
6 correct those signs. A person who learns that printed political
7 advertising other than a political advertising sign that has been
8 distributed does not include the disclosure required by Subsection
9 (a) or includes a disclosure that does not comply with Subsection
10 (a) is not required to attempt to recover the political advertising
11 and does not commit a continuing violation of this subsection as to
12 any previously distributed political advertising. In this
13 subsection, "political advertising sign" means a written form of
14 political advertising designed to be seen from a road but does not
15 include a bumper sticker.

16 SECTION 5. Section 571.1211(2), Government Code, is amended
17 to read as follows:

18 (2) "Category One violation" means a violation of a
19 law within jurisdiction of the commission as to which it is
20 generally not difficult to ascertain whether the violation occurred
21 or did not occur, including:

22 (A) the failure by a person required to file a
23 statement or report to:

24 (i) file the required statement or report
25 in a manner that complies with applicable requirements; or

26 (ii) timely file the required statement or
27 report;

1 (B) a violation of Section 255.001, Election
2 Code;

3 (C) a misrepresentation in political advertising
4 or a campaign communication relating to the office held by a person
5 in violation of Section 255.006, Election Code; or

6 ~~(D) [a failure to include in any written~~
7 ~~political advertising intended to be seen from a road the~~
8 ~~right-of-way notice in violation of Section 255.007, Election Code;~~
9 ~~or~~

10 ~~[(E)]~~ a failure to timely respond to a written
11 notice under Section 571.123(b).

12 SECTION 6. Section 255.007, Election Code, is repealed.

13 SECTION 7. The repeal by this Act of Section 255.007,
14 Election Code, does not apply to an offense committed under that
15 section before the effective date of the repeal. An offense
16 committed before the effective date of the repeal is governed by the
17 law as it existed on the date the offense was committed, and the
18 former law is continued in effect for that purpose. For purposes of
19 this section, an offense was committed before the effective date of
20 the repeal if any element of the offense occurred before that date.

21 SECTION 8. The changes in law made by this Act to Chapters
22 392, 393, and 395, Transportation Code, apply only to an offense
23 committed on or after the effective date of this Act. An offense
24 committed before the effective date of this Act is governed by the
25 law in effect on the date the offense was committed, and the former
26 law is continued in effect for that purpose. For purposes of this
27 section, an offense was committed before the effective date of this

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1 Act if any element of the offense occurred before that date.

2 SECTION 9. This Act takes effect September 1, 2017.