

BILL ANALYSIS

C.S.S.B. 355
By: Miles
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Illegal signage can negatively impact the quality of life in neighborhoods throughout Texas. Although there have been efforts to target "bandit signs," offending operators simply claim they did not place the signs or just pay associated fines as a cost of doing business. There have been calls for stricter enforcement to address this ongoing issue. C.S.S.B. 355 seeks to provide for increased civil penalties for the placement of a commercial sign on a right-of-way public road.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.S.B. 355 amends the Transportation Code to make a person whose commercial advertisement is placed on a sign on the right-of-way of a public road that is not otherwise authorized by law liable for the same civil penalty applicable to a person who places or commissions the placement of such a sign. The bill revises the amount of the civil penalty by capping the amount of the civil penalty as follows:

- \$1,000 for a first violation;
- \$2,500 for a second violation; and
- \$5,000 for a third or subsequent violation.

The bill removes the authorization for a separate penalty to be collected for each day a continuing violation occurs.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 355 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the fine schedule established in the engrossed by changing the civil penalties for which the person is liable from not less than \$500 or more than \$1,000 for a first

violation, \$5,000 for a second violation, and \$10,000 for a third or subsequent violation to the following maximum amounts:

- \$1,000 for a first violation;
- \$2,500 for a second violation; and
- \$5,000 for a third or subsequent violation.