

By: Goodwin

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting billboards on cemetery property; providing a civil penalty.

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

SECTION 1. Subchapter A, Chapter 711, Health and Safety Code, is amended by adding Section 711.013 to read as follows:

Sec. 711.013. PROHIBITING BILLBOARDS ON CEMETERY PROPERTY.

(a) In this section, "billboard" means a separate and fixed structure directly attached to the land or a building having one or more spaces used to display an advertisement, whether or not the structure is artificially lighted.

(b) A person may not erect or maintain a billboard on cemetery property. A cemetery organization may not enter into a contract or lease authorizing a billboard on cemetery property.

(c) The attorney general may bring an action against a person who appears to be in violation of this section or is threatening to violate this section. In an injunction issued under this section, a court may include reasonable requirements to prevent any further violations of this section.

(d) In addition to the injunctive relief provided by Subsection (c), the attorney general may institute an action for civil penalties against a person for a violation of this section. A civil penalty assessed under this section may not exceed \$1,000 for each violation. Each day a violation occurs or continues to occur is

1 a separate violation for purposes of assessing a penalty under this
2 section.

3 (e) The attorney general may recover reasonable expenses
4 incurred in bringing an action under this section, including court
5 costs, attorney's fees, investigative costs, witness fees, and
6 deposition expenses.

7 (f) The attorney general shall file an action under this
8 section in Travis County or in the county in which the violation
9 occurred.

10 (g) A civil penalty recovered in an action by the attorney
11 general under this section shall be deposited in the general
12 revenue fund.

13 SECTION 2. (a) A billboard prohibited by Section 711.013,
14 Health and Safety Code, as added by this Act, that was erected on
15 cemetery property under a contract or lease entered into before the
16 effective date of this Act, must be dismantled or removed from the
17 cemetery on the expiration date of the existing contract or lease
18 between the cemetery organization and the billboard owner or
19 lessee, if applicable.

20 (b) A cemetery organization may not renew a contract or
21 lease for a billboard on or after the effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2021.