

BILL ANALYSIS

S.B. 190
By: Miles
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The impact of illegal signage on the quality of life in neighborhoods throughout Texas has not gone unnoticed. Some of these "bandit signs," which are the small signs illegally placed in medians and at intersections, not only produce blight, but are also placing communities at risk. Often, the operators who place the signs advertise with phrases such as "we buy houses" and "we buy diabetic strips" in neighborhoods and communities that are the most vulnerable. Local governments should not have to allocate time and resources to cleaning up and dealing with the consequences of these signs. S.B. 190 seeks to deter the placement of "bandit signs" across Texas by increasing the civil penalty for bandit signs placed on the right-of-way of roads and clarifying that civil liability for such signs lies not only with the person who physically places the signs, but also with the person whose advertisement is placed on the sign.

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

S.B. 190 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 changes the amount of the civil penalty from a minimum of \$500 and a maximum of \$1,000 for each violation, depending on the seriousness of the violation and whether the person has previously violated statutory provisions regarding outdoor signs on public rights-of-way, to a scale 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.

S.B. 190 applies only to a violation that occurs on or after the bill's effective date. A violation that occurs before the bill's effective date is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose. For purposes of this provision, a violation occurs before the bill's effective date if any element of the violation occurs before that date.

EFFECTIVE DATE

September 1, 2023.