

BILL ANALYSIS

C.S.H.B. 3611
By: Curry
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that unauthorized commercial signs placed on the right-of-way of public roads have been a growing concern in Texas but that local governments face challenges in enforcing sign regulations due to unclear authority and limited resources. These signs can clutter roadways and pose potential safety risks by distracting drivers and obstructing visibility. C.S.H.B. 3611 seeks to address this issue by making certain changes to the applicability and amount of the civil penalty for unauthorized signs placed on the right-of-way of public roads.

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.H.B. 3611 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 a sign on such a right-of-way. The bill conditions liability for the civil penalty for a person's first violation on the following conditions being met:

- the applicable political subdivision provides written notice to the person that the person may be liable for a civil penalty if the person fails to remove the sign within a specified period; and
- the person fails to remove the sign within the specified period.

The bill establishes that, for purposes of the civil penalty, the term "person" includes a person's employee, agent, independent contractor, assignee, business alter ego, and successor in interest. 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.

C.S.H.B. 3611 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 these purposes, a violation occurs before the bill's effective date if any element of the violation occurs before that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3611 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that conditions liability for the civil penalty for a person's first violation on the following conditions being met:

- the applicable political subdivision provides written notice to the person that the person may be liable for a civil penalty if the person fails to remove the sign within a specified period; and
- the person fails to remove the sign within the specified period.

The substitute includes a provision absent from the introduced establishing that, for purposes of the civil penalty, the term "person" includes a person's employee, agent, independent contractor, assignee, business alter ego, and successor in interest.