

1 AN ACT

2 relating to civil liability for erecting or maintaining certain
3 outdoor signs or advertising.

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

5 SECTION 1. Section 391.035(a), Transportation Code, is
6 amended to read as follows:

7 (a) In lieu of being subject to a criminal penalty, a person
8 who intentionally violates this subchapter or Subchapter C may be
9 liable [~~to the state~~] for a civil penalty. The attorney general or
10 a district or county attorney of the county in which the violation
11 is alleged to have occurred may sue to collect the penalty.

12 SECTION 2. Section 393.007, Transportation Code, is amended
13 by amending Subsection (a) and adding Subsection (d) to read as
14 follows:

15 (a) A person who places or commissions the placement of a
16 sign on the right-of-way of a public road that is not otherwise
17 authorized by law may be liable [~~to the municipality~~] for a civil
18 penalty. A district or county attorney or a municipal attorney in
19 the jurisdiction in which the placement of a sign on the
20 right-of-way of a public road is alleged to have occurred may sue to
21 collect the penalty.

22 (d) A district or county attorney or a municipal attorney
23 may recover reasonable attorney's fees incurred in an action
24 brought under Subsection (a).

1 SECTION 3. (a) The changes in law made by this Act to
2 Sections 391.035(a) and 393.007, Transportation Code, apply only to
3 a violation described by those sections that occurs on or after the
4 effective date of this Act. For purposes of this section, a
5 violation occurs before the effective date of this Act if any
6 element of the violation occurs before that date.

7 (b) A violation that occurs before the effective date of
8 this Act is covered by the law in effect when the offense was
9 committed, and the former law is continued in effect for that
10 purpose.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.

H.B. No. 875

[Signature]
President of the Senate

[Signature]
Speaker of the House

I certify that H.B. No. 875 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

[Signature]
Chief Clerk of the House

I certify that H.B. No. 875 was passed by the Senate on May 11, 2009, by the following vote: Yeas 31, Nays 0.

[Signature]
Secretary of the Senate

APPROVED: 20 MAY '09
Date

[Signature]
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 O'CLOCK

[Signature]
Secretary of State