

CHAPTER 306

H.B. No. 1550

AN ACT

relating to criminal penalties provided for violations regarding on-site sewage disposal systems.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 366.091, Health and Safety Code, is amended to read as follows:

Sec. 366.091. CRIMINAL PENALTIES. (a) A person commits an offense if the person violates Section 366.071.

(b) *A person commits an offense if the person violates a rule adopted by the board under this chapter or an order or resolution adopted by an authorized agent under Subchapter C in a county that is contiguous to an international border.*

(c) A person commits an offense if the person begins to construct, alter, repair, or extend an on-site sewage disposal system owned by another person before the owner of the system

obtains a permit to construct, alter, repair, or extend the on-site sewage disposal system as required by Subchapter D.

(d) [(e)] An emergency repair to an on-site sewage disposal system without a permit in accordance with the rules adopted under Section 366.012(a)(1)(C) is not an offense under this section *if a written statement describing the need for the repair is provided to the department or its authorized agent not later than 72 hours after the repair is begun.*

(e) [(d)] An offense under this section is a *Class C* misdemeanor [~~punishable by a fine of not less than \$50 or more than \$100~~] unless it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this chapter, in which event the offense is punishable by:

- (1) a fine of not less than \$125 or more than \$500;
- (2) confinement in jail for not more than one month; or
- (3) both the fine and confinement.

(f) [(e)] Each day of a continuing violation is a separate offense.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and that law is continued in effect for this purpose.

SECTION 3. This Act does not affect the transfer of powers, duties, rights, and obligations made by Chapter 3, Acts of the 72nd Legislature, 1st Called Session, 1991.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 28, 1993.

Effective Sept. 1, 1993.