

CHAPTER 738

H.B. No. 1852

AN ACT

relating to the control of outdoor advertising signs; providing penalties.

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

SECTION 1. Section 4.03, Chapter 741, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas Civil Statutes), is amended by adding Subsections (h) and (i) to read as follows:

(h)(1) The legislature declares that signs erected and maintained in violation of this Act endanger the health, safety, welfare, morals, convenience, and enjoyment of the traveling public and the protection of the public investment in the interstate and primary highway systems and thereby constitute a public nuisance.

(2) *An owner of a sign erected or maintained in violation of this section shall remove the sign upon written notification by certified mail from the Texas Department of Transportation. If the owner of a sign does not remove the sign within 45 calendar days of the date of the notice, the department may direct the attorney general to initiate injunctive proceedings to enjoin the owner of the sign from maintaining the sign and requiring the effective removal of the sign.*

(3) *In an action brought under Subdivision (2) of this subsection, the state is entitled to recover from the owner of a sign removed as a result of injunctive proceedings all administrative and legal costs and expenses incurred to effect removal of the sign, including, but not limited to, court costs and reasonable attorney's fees.*

(i)(1) *In addition to being subject to a criminal penalty or injunctive action as otherwise provided by law, a person who intentionally violates this section is liable to the state for a civil penalty. The attorney general may sue to collect the penalty.*

(2) *The amount of the civil penalty is not less than \$500 nor more than \$1,000 for each violation, depending on the seriousness of the violation. A separate civil penalty may be collected for each day on which a continuing violation occurs.*

(3) *Civil penalties collected under this section shall be deposited in the state treasury to the credit of the state highway fund.*

SECTION 2. Section 4.12, Chapter 741, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.12. PENALTY. A person who wilfully commits an offense under this article or wilfully violates any rule adopted by the commission in accordance with this article is, on conviction, subject to a fine of not less than \$500 [~~\$25~~] nor more than \$1,000 [~~\$200~~]. Each day of the wilful offense or violation constitutes a separate offense.

SECTION 3. (a) The change in law made by this Act applies only to the punishment for 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 the effective 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 the former law is continued in effect for this purpose.

SECTION 4. 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 30, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1852 on May 22, 1993, by a non-record vote; passed by the Senate, with amendments, on May 19, 1993, by a viva-voce vote.

Approved June 16, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.