

CHAPTER 348

H.B. No. 717

AN ACT

relating to penalties for dumping refuse on or near a Texas highway.

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

SECTION 1. Section 2.01, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes), is amended by adding Subdivision (5) to read as follows:

(5) "Person" means an individual, corporation, organization, governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

SECTION 2. Sections 2.04(f) and (g), Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes), are amended to read as follows:

(f) The Texas Department of Health shall adopt rules and standards regulating the processing and treating of refuse, garbage, rubbish, or junk dumped, deposited, or left within 300 yards of a public highway. A person commits an offense if he violates a rule adopted under this subsection.

(g) An ~~[A person who commits an]~~ offense under this section is a misdemeanor punishable by ~~[, on conviction, subject to]~~ a fine of not less than \$10 ~~[\$50]~~ nor more than \$200. ~~[\$400,]~~ If it is shown on the trial of the defendant that the defendant has previously been convicted of an offense under this section, he shall be punished by a fine of not less than \$100 nor more than \$1,000, by confinement in jail for not more than one year, or by both. Each ~~[and each]~~ day of a continuing violation ~~[the offense]~~ is a separate offense. A county or district attorney may bring suit for injunction to prevent or restrain a violation of this section. A person affected or to be affected by a violation is entitled to enjoin the violation.

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.

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SECTION 4. This Act takes effect September 1, 1987.

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 May 15, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by a viva-voce vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.