

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1220
By: Moncrief
State Affairs
5/3/1999
Committee Report (Substituted)

DIGEST

Currently, the Federal Highway Beautification Act of 1965 controls the placement of billboards and requires the screening of junkyards along interstate and federal primary highways. If a state fails to maintain "effective control" according to the federal statute, the state may be penalized up to 10 percent of the annual federal highway apportionment. Texas complies with the law through the Texas Highway Beautification Act, adopted in 1972, currently codified under Chapter 391, Transportation Code, and enforced by Texas Department of Transportation (TxDOT). However, TxDOT does not have the authority to impose civil penalties for violations relating to improper outdoor advertising or lack of screening for junkyards. The only penalty available is a criminal penalty. C.S.S.B. 1220 would expand certain penalty provisions within the chapter and provide TxDOT with more authority and greater flexibility to enforce the provisions.

PURPOSE

As proposed, C.S.S.B. 1220 expands certain penalty provisions within Chapter 391, Transportation Code, and permits more authority for the Texas Department of Transportation to enforce the provisions.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 391.035, Transportation Code, to make a person who intentionally violates this Subchapter C liable for a civil penalty to the state.

SECTION 2. Amends Chapter 391E, Transportation Code, by adding Sections 391.125-391.127, as follows:

Sec. 391.125. **INJUNCTION TO REQUIRE SCREENING.** Requires an owner of certain junkyards to screen their junkyards in accordance with Section 391.121, upon notice from the Texas Department of Transportation (TxDOT). Authorizes TxDOT to request for the attorney general to apply for an injunction to require the owner to screen the junkyard. Entitles the state to recover from an errant owner certain costs and expenses incurred from requiring the junkyard to screen itself.

Sec. 391.126. **CIVIL PENALTY.** Makes a person who intentionally violates this subchapter to be liable to a civil penalty in addition to a criminal penalty or an injunctive action. Authorizes the attorney general to sue to collect the penalty. Sets forth penalty amounts.

Sec. 391.127. **SALVAGE VEHICLE DEALER LICENSE.** Authorizes the Texas Transportation Commission to revoke or suspend a salvage dealer's license for a junkyard screening violation.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 391.125, Transportation Code, to provide that TxDOT may request the attorney general to apply for an injunction, rather than direct the attorney general to apply.