

BILL ANALYSIS

Senate Research Center
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S.B. 452
By: Armbrister
Intergovernmental Relations
2/20/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, cities may pass regulations regarding door-to-door salespeople, but there is no provision for unincorporated areas to do so. Senior citizens particularly have been known to be victimized by unscrupulous salespeople and scam artists. As proposed, S.B. 452 allows counties to regulate door-to-door salespeople in unincorporated areas to provide the same level of public safety to their citizens as that afforded people in cities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 234, Local Government Code, to add Subchapter C, as follows:

SUBCHAPTER C. DOOR-TO-DOOR SOLICITATION AND SALES

Sec. 234.051. DEFINITION. Defines “door-to-door solicitation and sales.”

Sec. 234.052. AUTHORITY TO REGULATE. Authorizes a county commissioners court by order to regulate door-to-door solicitation and sales in the unincorporated area of the county to promote the public health, safety, or welfare.

Sec. 234.053. PERMITS. (a) Authorizes a county to require a person who engages in door-to-door solicitation and sales to obtain a permit before engaging in that activity and to renew the permit on a periodic basis. Requires that an application for a permit be made in accordance with the regulations adopted by the county.

(b) Authorizes the county regulations adopted under this subchapter to provide for the denial, suspension, or revocation of a permit issued by the county.

(c) Provides that a district court in the county has jurisdiction of an appeal of an action of a county relating to the denial, suspension, or revocation of a permit issued by the county.

Sec. 234.054. FEES. (a) Authorizes a county to impose fees on applicants for a permit issued under this subchapter or for the renewal of the permit. Requires that the fees be based on the cost of processing the applications and investigating the applicants.

(b) Provides that Subsection (a) does not apply to applicants for permits who are exempt from federal taxation under Section 501(c)(3) or (4), Internal Revenue Code of 1986, as amended.

Sec. 234.055. ENFORCEMENT. (a) Authorizes a county to sue in a district court in the county for an injunction to prohibit the violation of a regulation adopted under this subchapter.

(b) Provides that a person commits an offense if the person violates a county regulation adopted under this subchapter. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Amendment 1: SECTION 1, Section 234.051, Local Government Code: adds “other than a person licensed and regulated by the State of Texas” to the definition of “door-to-door solicitation and sales.”

Amendment 2: SECTION 1, Section 234.055, Local Government Code: changes “Class A misdemeanor” to “Class C misdemeanor.”