

SENATE AMENDMENTS

2nd Printing

By: Munoz, Jr., Eissler, Laubenberg, Marquez

H.B. No. 1768

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of roadside vendors and solicitors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 285, Transportation Code, is amended to read as follows:

CHAPTER 285. COUNTY REGULATION OF ROADSIDE VENDOR AND SOLICITOR IN CERTAIN COUNTIES

SECTION 2. Section 285.001, Transportation Code, is amended to read as follows:

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR.

(a) To promote the public safety, the commissioners court of a county with a population of more than 450,000 [~~1.3 million~~] by order may regulate the following in the unincorporated area of the county if they occur on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot:

(1) the sale of items by a vendor of food or merchandise, including live animals, except as provided by Subsection (b);

(2) the erection, maintenance, or placement of a structure by a vendor of food or merchandise, including live animals; and

(3) the solicitation of money.

(b) An order under Subsection (a) may not prohibit the sale of livestock.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty. Gen.
Secretary of the Senate

By: Hinojosa H.B. No. 1768
Substitute the following for H.B. No. 1768:
By: M. Kelly C.S. H.B. No. 1768

A BILL TO BE ENTITLED

AN ACT

1 relating to the regulation of roadside vendors and solicitors in
2 certain counties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 285.001, Transportation Code, is amended
5 to read as follows:

6 Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR.

7 (a) To promote the public safety, the commissioners court of a
8 county with a population of more than 450,000 [~~1.3 million~~] by order
9 may regulate the following in the unincorporated area of the county
10 if they occur on a public highway or road, in the right-of-way of a
11 public highway or road, or in a parking lot:

12 (1) the sale of items by a vendor of food or
13 merchandise, including live animals except as provided by
14 Subsection (b);

15 (2) the erection, maintenance, or placement of a
16 structure by a vendor of food or merchandise, including live
17 animals; and

18 (3) the solicitation of money.

19 (b) An order under Subsection (a) adopted by the
20 commissioners court of a county with a population of less than 3.3
21 million may not prohibit the sale of livestock.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1768 by Munoz, Jr. (Relating to the regulation of roadside vendors and solicitors in certain counties.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow a commissioners court with a population of more than 450,000 to regulate practices relating to the sale of items by a vendor, the erection of a structure by a vendor, or solicitation of money that occur on a public highway or road, in a right-of-way, or in a parking lot in an unincorporated area of a county. A county with a population of less than 3.3 million would be prohibited from regulating the sale of livestock under this section.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1768 by Munoz, Jr. (Relating to the regulation of roadside vendors and solicitors in certain counties.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow a commissioners court with a population of more than 450,000 to regulate practices relating to the sale of items by a vendor, the erection of a structure by a vendor, or solicitation of money that occur on a public highway or road, in a right-of-way, or in a parking lot in an unincorporated area of a county. A county with a population of less than 3.3 million would be prohibited from regulating the sale of livestock under this section.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1768 by Munoz, Jr. (Relating to the regulation of roadside vendors and solicitors.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow a commissioners court with a population of more than 450,000 to regulate practices relating to the sale of items by a vendor, the erection of a structure by a vendor, or solicitation of money that occur on a public highway or road, in a right-of-way, or in a parking lot in an unincorporated area of a county. A county would be prohibited from regulating the sale of livestock under this section.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 30, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1768 by Munoz, Jr. (Relating to the regulation of roadside vendors and solicitors.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow a commissioners court with a population of more than 450,000 to regulate practices relating to the sale of items by a vendor, the erection of a structure by a vendor, or solicitation of money that occur on a public highway or road, in a right-of-way, or in a parking lot in an unincorporated area of a county. A county would be prohibited from regulating the sale of livestock under this section.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1768 by Munoz, Jr. (Relating to the regulation of roadside vendors and solicitors in certain counties.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow a commissioners court with a population of more than 740,000 to authorize certain county employees to issue citations for a violation relating to the sale of items by a vendor, the erection of a structure by a vendor, or solicitation of money that occur on a public highway or road, in a right-of-way, or in a parking lot in an unincorporated area of a county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP