

BILL ANALYSIS

H.B. 397
By: Sheffield
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some rural property owners are concerned about the use of fireworks at state-owned rest areas in unincorporated areas. Interested parties contend that law enforcement does not currently have statutory authority to assess a fine for the use of fireworks in these areas, even if a sign prohibiting the use of fireworks is posted or if a county commissioners court desires to prohibit the use of fireworks in those areas. H.B. 397 seeks to provide for restricting the use of fireworks in certain areas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 397 amends the Transportation Code to require the Texas Transportation Commission by order to prohibit or restrict the use of fireworks at a state highway rest area in the unincorporated area of a county on the petition of the commissioners court of the county. The bill requires such an order to require the county to erect signs at the rest area giving notice of the order and makes it a Class C misdemeanor offense to knowingly or intentionally violate a prohibition or restriction established by the order.

EFFECTIVE DATE

September 1, 2015.