

BILL ANALYSIS

H.B. 4314
By: Walle
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that excessive noise levels in residential areas of unincorporated areas of certain counties such as Harris County present a threat to public health, safety, and welfare. H.B. 4314 seeks to address these concerns by providing for the regulation of noise and sound levels in certain counties.

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. 4314 amends the Local Government Code to require the commissioners court of a county with a population of more than 3.3 million by order to prohibit the production of sound from a loudspeaker or sound amplifier the level of which exceeds 85 decibels at a distance of 50 feet from the property line of the property on which the loudspeaker or sound amplifier is operated. The bill restricts the applicability of a regulation adopted under its provisions to the county's unincorporated area and exempts a sound produced by the operations or facilities of a chemical manufacturing facility, an electric utility, or a gas utility. The bill authorizes the commissioners court by order to authorize the holding of events at which loudspeakers or sound amplifiers that produce sounds exceeding such levels will be used if the person holding an event obtains a permit from the county for the event. The bill sets out provisions relating to the grant, denial, suspension, and revocation of a permit. The bill authorizes a county to impose fees on an applicant for a permit, requires the fees to be based on the administrative costs of issuing the permit, and requires a county that imposes a permit fee to establish procedures to reduce the fee amount if the applicant is unable to pay the full permit fee.

H.B. 4314 requires the commissioners court by rule to adopt a procedure to measure noise and sound levels under the bill's provisions. The bill authorizes a county to sue in a district court for an injunction to prohibit the violation or threatened violation of a prohibition or other regulation adopted under such provisions. The bill creates a Class C misdemeanor offense for a person who violates such a prohibition or regulation adopted under the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.