

BILL ANALYSIS

Senate Research Center
83R19175 JTS-D

H.B. 2094
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to interested parties, some counties consider the solicitation of business by unregulated roadside vendors to be a major problem in unincorporated areas. The parties allege that the vendors sometimes create traffic and health and safety issues, encroach into rights-of-way, or skirt sales tax laws. The parties note that even though current law does provide certain regulatory authority to a county, a county attorney, or a district attorney, enforcement of certain matters is time-consuming and inefficient.

H.B. 2094 amends current law relating to the regulation of roadside vendors and solicitors in certain counties.

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 Section 285.001, Transportation Code, as follows:

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR. (a)
Creates this subsection from existing text and makes no further change to this subsection.

(b) Authorizes the commissioners court of a county with a population of more than 700,000 and less than 800,000 that borders the United Mexican States by order to regulate the activities described by Subsection (a) in the manner described by that subsection, except that:

(1) the regulation of activities on or in the right-of-way of a public highway or road is limited to public highways and roads with a speed limit of 40 miles per hour or faster; and

(2) the county is prohibited from prohibiting the sale of livestock.

(c) Authorizes a county regulating vendors under Subsection (b) to require that a vendor be located not closer to the edge of the public highway or road than a distance that is equal to one-half the width of the right-of-way adjacent to the highway or road.

SECTION 2. Effective date: upon passage or September 1, 2013.