

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE D. ROAD LAWS RELATING TO PARTICULAR COUNTIES

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

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 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;

(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) 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 may 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 may not prohibit the sale of livestock.

(c) A county regulating vendors under Subsection (b) may 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 132, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 493 (S.B. 254), Sec. 1, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 340 (H.B. 2094), Sec. 1, eff. June 14, 2013.

Sec. 285.002. PERMIT; REMOVAL OF STRUCTURE. The commissioners court may:

- (1) require a vendor or a person soliciting money to obtain a permit to sell the food or merchandise or to solicit money;
- (2) charge a reasonable fee for the permit; and
- (3) provide for the removal of a structure that is in violation of the regulations.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 285.003. CONFLICT WITH STATUTE OR STATE AGENCY RULE. If a regulation adopted under this chapter conflicts with a statute or state agency rule, the statute or rule prevails to the extent of the conflict.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 285.004. VIOLATION OF REGULATION; OFFENSE. (a) A person commits an offense if the person knowingly:

- (1) violates a regulation adopted under this chapter;
- or
- (2) obstructs or threatens to obstruct the removal of a structure that is in violation of a regulation adopted under this chapter.

(b) Each day a violation continues is a separate offense.

(c) An offense under this section is a Class C misdemeanor.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.