

HOUSE BILL 289

R1
HB 216/10 – ENV

11r0355
CF 11r0337

By: **Delegates Pena–Melnik, Barnes, and Frush**
Introduced and read first time: February 1, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Unauthorized Signs on Highway**
3 **Rights–of–Way**

4 FOR the purpose of providing for original jurisdiction of the District Court for certain
5 actions; prohibiting a person without authorization from the State Highway
6 Administration from placing or maintaining a sign within the right–of–way of a
7 State highway; providing that a sign placed or maintained in violation of this
8 Act may be removed by the Administration, a law enforcement officer, or certain
9 local governments; authorizing the Administration or certain local governments
10 to collect certain civil penalties and to seek an injunction against violations of
11 this Act; providing for civil penalties for certain violations of this Act; providing
12 that certain provisions of this Act may be enforced only by issuance of a warning
13 for a certain period of time; requiring the Administration and certain local
14 governments to retain civil penalties collected under certain provisions of this
15 Act; providing that the presence of a sign within a State highway right–of–way
16 is evidence of certain facts; repealing a certain provision relating to when
17 certain political signs may be erected; and generally relating to the placement
18 and maintenance of unauthorized signs on State highway rights–of–way.

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 4–401(16) and (17)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2010 Supplement)

24 BY adding to
25 Article – Courts and Judicial Proceedings
26 Section 4–401(18)
27 Annotated Code of Maryland
28 (2006 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 8–605 and 8–714
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2010 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Courts and Judicial Proceedings**

9 4–401.

10 Except as provided in § 4–402 of this subtitle, and subject to the venue
11 provisions of Title 6 of this article, the District Court has exclusive original civil
12 jurisdiction in:

13 (16) A proceeding for a replacement motor vehicle under §
14 14–1502(c)(1)(i) of the Commercial Law Article; [and]

15 (17) An action for damages for a dishonored check or other instrument
16 under Title 15, Subtitle 8 of the Commercial Law Article, regardless of the amount in
17 controversy; AND

18 **(18) A CIVIL ACTION FOR AN INJUNCTION OR FOR A CIVIL**
19 **PENALTY FOR A VIOLATION OF § 8–605(F) OF THE TRANSPORTATION ARTICLE.**

20 **Article – Transportation**

21 8–605.

22 (a) Along any State highway, the Administration may place signs, signals, or
23 markers to inform the traveling public of directions, distances, danger, or other
24 information.

25 (b) (1) Except as provided in paragraph (2) of this subsection, the
26 Administration shall assume the full cost of installing and maintaining traffic signals
27 required at the intersection of a State highway with any municipal street or highway
28 or at any other place along a State highway that is within the limits of any municipal
29 corporation.

30 (2) This subsection does not apply where the traffic signal primarily
31 will serve traffic generated by a private development, such as an apartment complex,
32 shopping center, industrial plant, or drive-in theater.

33 (c) Signs, signals, and markers placed along any interstate highway shall
34 conform to all applicable federal standards.

1 (d) (1) For the purpose of providing information to the driving public on
2 the availability of gas, food, lodging, camping, or attractions, the Administration may
3 place along State controlled access highways specific service signs, subject to the
4 applicable federal standards.

5 (2) (i) The Administration shall adopt regulations governing
6 specific service signs.

7 (ii) The regulations shall conform to all applicable federal
8 standards, and shall govern the type, lighting, size, number, and location of specific
9 service signs.

10 (iii) The Administration shall consult with:

11 1. The Maryland Travel Council prior to drafting
12 regulations; and

13 2. The Department of Business and Economic
14 Development and the appropriate local government officials concerning the placement
15 of specific service signs under this subsection.

16 (3) The business or attraction identified in a specific service sign shall
17 pay for the full administrative and operational cost of procurement, installation, and
18 maintenance of the sign.

19 (4) The Administration shall report to the Governor and, in
20 accordance with § 2-1246 of the State Government Article, the General Assembly on
21 or before January 9, 2002 on the installation of service signs along State controlled
22 access highways under this subsection.

23 (e) Any person who removes, damages, or defaces any sign, signal, or marker
24 placed under this section is guilty of a misdemeanor and on conviction is subject to a
25 fine not exceeding \$100.

26 **(F) (1) EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE**
27 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION, A**
28 **PERSON MAY NOT PLACE OR MAINTAIN A SIGN OR DIRECT, CONSENT TO, OR**
29 **APPROVE THE PLACEMENT OR MAINTENANCE OF A SIGN, WITHIN A STATE**
30 **HIGHWAY RIGHT-OF-WAY.**

31 **(2) (I) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN**
32 **PLACED OR MAINTAINED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED**
33 **AND DESTROYED BY THE ADMINISTRATION, A LAW ENFORCEMENT OFFICER, OR**
34 **THE GOVERNMENT OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH**
35 **THE SIGN WAS LOCATED.**

1 **(II) THE ADMINISTRATION OR THE GOVERNMENT OF THE**
2 **COUNTY OR MUNICIPAL CORPORATION THAT REMOVED OR DESTROYED THE**
3 **SIGN MAY:**

4 1. **COLLECT THE CIVIL PENALTY PROVIDED FOR**
5 **UNDER PARAGRAPH (3) OF THIS SUBSECTION FROM THE PERSON THAT PLACED**
6 **OR MAINTAINED THE SIGN; AND**

7 2. **SEEK AN INJUNCTION AGAINST FURTHER**
8 **VIOLATIONS OF THIS SUBSECTION IN A CIVIL ACTION IN THE DISTRICT COURT.**

9 **(3) (I) A PERSON THAT PLACES OR MAINTAINS A SIGN WITHIN**
10 **THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION**
11 **IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$25 PER SIGN, WHICH, IF NOT**
12 **PAID AFTER BEING CITED AND ASSESSED BY THE ADMINISTRATION, COUNTY,**
13 **OR MUNICIPAL CORPORATION, MAY BE RECOVERED IN A CIVIL ACTION IN THE**
14 **DISTRICT COURT BY THE ADMINISTRATION OR BY THE COUNTY OR MUNICIPAL**
15 **CORPORATION IN WHICH THE SIGN WAS LOCATED.**

16 **(II) AS TO A COUNTY OR A MUNICIPAL CORPORATION IN**
17 **WHICH THE SIGN WAS LOCATED, THE CIVIL ACTION IN THE DISTRICT COURT**
18 **MAY BE BROUGHT BY THE COUNTY ATTORNEY OR, IF THE SIGN WAS LOCATED IN**
19 **A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION ATTORNEY.**

20 **(III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL**
21 **CORPORATION:**

22 1. **MAY ENFORCE THIS SUBSECTION ONLY BY THE**
23 **ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN**
24 **REMOVAL PROGRAM; AND**

25 2. **SHALL ENFORCE THIS SUBSECTION ON A**
26 **VIEWPOINT AND CONTENT NEUTRAL BASIS.**

27 **(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, THE**
28 **PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY SHALL BE**
29 **EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE DIRECTION OF,**
30 **OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE PERSON'S**
31 **AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS, LOCATION,**
32 **OR PRODUCT REPRESENTATION IS DISPLAYED ON THE SIGN.**

33 **(5) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL**
34 **CORPORATION SHALL RETAIN ANY CIVIL PENALTIES THAT IT COLLECTS UNDER**
35 **THIS SUBSECTION.**

1 8-714.

2 (a) Whether or not the person must be licensed under Part II of this subtitle,
3 a person may not erect or maintain any outdoor sign outside the limits of any
4 municipal corporation and within 500 feet of a State highway, unless the person has a
5 permit issued by the Administration for that sign.

6 (b) A permit is not required under this section to erect or maintain any
7 outdoor sign:

8 (1) That is used only to advertise the sale or lease of the property on
9 which it is located;

10 (2) That is on or within 100 feet of any building or the entrance to any
11 building in which the business advertised is carried on;

12 (3) That is used only to advertise:

13 (i) A Maryland historic shrine or institution; or

14 (ii) A county or church fair held in this State;

15 (4) That advertises a candidate or the support or defeat of any
16 proposition. This sign:

17 (i) Shall comply with all provisions of the Election Law Article;

18 (ii) Shall comply with public safety requirements as set forth in
19 § 8-716 of this subtitle;

20 (iii) Shall conform to all local restrictions and zoning
21 requirements which are more restrictive than this section[, including any applicable
22 time limitations. In the absence of an applicable time limitation, the sign:

23 1. May not be erected more than 45 days prior to the
24 election; and

25 2. Shall be removed within 15 days after the general
26 election, or within 15 days after the primary election if the candidate is not a
27 candidate in the general election]; and

28 (iv) Shall conform to the restrictions and requirements of Parts
29 IV and V of this subtitle; or

30 (5) That is only a temporary outdoor sign that advertises the sale in
31 season of fresh produce on property that adjoins a State highway by a person who has

1 grown the fresh produce and who owns, rents, or has permission to sell on the
2 property. This sign:

3 (i) Shall comply with public safety requirements as set forth in
4 § 8-716 of this subtitle;

5 (ii) Shall conform to all local restrictions and zoning
6 requirements that are more restrictive than this section, including any applicable time
7 limitation;

8 (iii) Shall conform to the restrictions and requirements of Parts
9 IV and V of this subtitle; and

10 (iv) Shall be removed or covered when produce is no longer for
11 sale.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.