

HOUSE BILL 1131

R1

2lr2681

By: **Delegates Fisher, Myers, and Serafini**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Temporary Advertising Signs on State Highways –**
3 **Weekends**

4 FOR the purpose of authorizing a person to place or maintain temporary advertising
5 signs that meet certain requirements on a State highway under certain
6 circumstances; providing that certain provisions of law regulating the
7 placement and maintenance of outdoor signs in certain locations do not apply to
8 a sign placed in accordance with this Act; prohibiting the State Highway
9 Administration from charging a fee for a certain permit; authorizing the
10 Administration to enter into a public–private partnership with an entity to
11 allow the entity to display and maintain a sign on a State highway; making
12 stylistic changes; and generally relating to temporary advertising signs on
13 certain highways.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 8–605 and 8–714
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2011 Supplement)

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

21 **Article – Transportation**

22 8–605.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

15 (2) (i) The Administration shall adopt regulations governing
16 specific service signs.

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

20 (iii) The Administration shall consult with:

21 1. The Maryland Travel Council prior to drafting
22 regulations; and

23 2. The Department of Business and Economic
24 Development and the appropriate local government officials concerning the placement
25 of specific service signs under this subsection.

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

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

32 (f) (1) **THIS SUBSECTION DOES NOT APPLY TO:**

33 (i) **A SIGN PLACED OR MAINTAINED BY THE**
34 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION; OR**

1 **(II) A TEMPORARY ADVERTISING SIGN PLACED OR**
2 **MAINTAINED BY A PERSON UNDER A PERMIT OBTAINED IN ACCORDANCE WITH**
3 **SUBSECTION (G) OF THIS SECTION.**

4 **[(1)] (2)** [Except for a sign placed or maintained by the
5 Administration or with the authorization of the Administration, a] **A person SUBJECT**
6 **TO THIS SECTION** may not place or maintain a sign or direct, consent to, or approve
7 the placement or maintenance of a sign, within a State highway right-of-way.

8 **[(2)] (3)** (i) Without resort to legal proceedings, a sign placed or
9 maintained in violation of this subsection may be removed and destroyed by the
10 Administration, a law enforcement officer, or the government of the county or
11 municipal corporation in which the sign was located.

12 (ii) The Administration or the government of the county or
13 municipal corporation that removed or destroyed the sign may, if the sign is a
14 commercial sign:

15 1. Collect the civil penalty provided for under paragraph
16 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
17 sign; and

18 2. Seek an injunction against further violations of this
19 subsection in a civil action in the District Court.

20 **[(3)] (4)** (i) A person that places or maintains a commercial sign
21 within the right-of-way of a State highway in violation of this subsection is subject to
22 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
23 cited and assessed by the Administration, county, or municipal corporation, may be
24 recovered in a civil action in the District Court by the Administration or by the county
25 or municipal corporation in which the commercial sign was located.

26 (ii) As to a county or a municipal corporation in which the
27 commercial sign was located, the civil action in the District Court may be brought by
28 the county attorney or, if the commercial sign was located in a municipal corporation,
29 the municipal corporation attorney.

30 (iii) The Administration, a county, or a municipal corporation:

31 1. May enforce this subsection only by the issuance of a
32 warning for the first 3 months after initiating a sign removal program; and

33 2. Shall enforce this subsection on a viewpoint and
34 content neutral basis.

1 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
2 a sign within a State highway right-of-way shall be evidence that the sign was placed
3 or maintained at the direction of, or with the consent and approval of, the person or
4 the person's agent or representative in the State whose name, business, location, or
5 product representation is displayed on the sign.

6 **[(5)] (6)** The Administration, a county, or a municipal corporation
7 shall retain any civil penalties that it collects under this subsection.

8 **(G) (1) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, A**
9 **PERSON MAY PLACE OR MAINTAIN A TEMPORARY COMMERCIAL ADVERTISING**
10 **SIGN ON A STATE HIGHWAY PROVIDED:**

11 **(I) THE SIGN DOES NOT EXCEED 4 SQUARE FEET IN AREA;**

12 **(II) THE SIGN IS DISPLAYED IN THE STATE HIGHWAY**
13 **RIGHT-OF-WAY ONLY BETWEEN THE HOURS OF 4:00 P.M. FRIDAY AND 9:00 P.M.**
14 **ON THE FOLLOWING SUNDAY, OR, IF THE MONDAY AFTER THAT SUNDAY IS A**
15 **HOLIDAY, UNTIL 9:00 P.M. ON THAT MONDAY;**

16 **(III) THE SIGN IS PLACED IN A MANNER THAT DOES NOT**
17 **CONSTITUTE A HAZARD TO TRAFFIC; AND**

18 **(IV) THE PERSON RESPONSIBLE FOR PLACING OR**
19 **MAINTAINING THE SIGN OBTAINS A PERMIT FOR THE SIGN FROM THE**
20 **ADMINISTRATION OR THE LOCAL OFFICE DESIGNATED BY THE**
21 **ADMINISTRATION TO ISSUE PERMITS FOR SIGNS IN THE COUNTY WHERE THE**
22 **SIGN IS TO BE PLACED OR MAINTAINED.**

23 **(2) THE ADMINISTRATION MAY NOT CHARGE A FEE FOR A PERMIT**
24 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

25 **(3) WITH THE APPROVAL OF THE ADMINISTRATOR, THE**
26 **ADMINISTRATION MAY ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP**
27 **AGREEMENT WITH AN ENTITY TO ALLOW THE ENTITY TO DISPLAY AND**
28 **MAINTAIN A SIGN LARGER THAN 4 SQUARE FEET IN AREA FOR A PERIOD OF**
29 **TIME LONGER THAN THE TIME SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS**
30 **SUBSECTION.**

31 8-714.

32 (a) **[Whether] EXCEPT AS PROVIDED IN § 8-605(G) OF THIS TITLE,**
33 **WHETHER** or not the person must be licensed under Part II of this subtitle, a person
34 may not erect or maintain any outdoor sign outside the limits of any municipal

1 corporation and within 500 feet of a State highway, unless the person has a permit
2 issued by the Administration for that sign.

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

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

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

9 (3) That is used only to advertise:

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

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

12 (4) That [advertises]:

13 (I) **ADVERTISES** a candidate or the support or defeat of any
14 proposition[. This sign:]; **AND**

15 [(i)] (II) 1. [Shall comply] **COMPLIES** with all provisions
16 of the Election Law Article;

17 [(ii)] 2. [Shall comply] **COMPLIES** with public safety
18 requirements as set forth in § 8–716 of this subtitle;

19 [(iii)] 3. [Shall conform] **CONFORMS** to all local restrictions
20 and zoning requirements [which] **THAT** are more restrictive than this section; and

21 [(iv)] 4. [Shall conform] **CONFORMS** to the restrictions and
22 requirements of Parts IV and V of this subtitle; or

23 (5) That [is]:

24 (I) **IS** only a temporary outdoor sign that advertises the sale in
25 season of fresh produce on property that adjoins a State highway by a person who has
26 grown the fresh produce and who owns, rents, or has permission to sell on the
27 property[. This sign:]; **AND**

28 [(i)] (II) 1. [Shall comply] **COMPLIES** with public safety
29 requirements as set forth in § 8–716 of this subtitle;

1 [(ii)] 2. [Shall conform] **CONFORMS** to all local restrictions
2 and zoning requirements that are more restrictive than this section, including any
3 applicable time limitation;

4 [(iii)] 3. [Shall conform] **CONFORMS** to the restrictions and
5 requirements of Parts IV and V of this subtitle; and

6 [(iv)] 4. [Shall be] **IS** removed or covered when produce is no
7 longer for sale.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.