

---

By: **Delegates Dembrow and La Vay**  
Introduced and read first time: February 8, 2002  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Highways - Display of Unauthorized Signs, Signals, Markings, or Devices -**  
3 **Enforcement**

4 FOR the purpose of establishing that certain signs, signals, markings, or devices that  
5 are prohibited by law as a public nuisance also are considered a private  
6 nuisance; establishing a certain presumption as to the identity of the person  
7 who erected certain signs, signals, markings, or devices; and generally relating  
8 to certain prohibitions regarding certain signs, signals, markings, or devices and  
9 a rebuttable presumption concerning the person who violated the prohibitions.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 21-205  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2001 Supplement)

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

17 **Article - Transportation**

18 21-205.

19 (a) A person may not place, maintain, or display on or in view of any highway  
20 any unauthorized sign, signal, marking, or device that purports to be, is an imitation  
21 of, or resembles a traffic control device or a railroad sign or signal.

22 (b) A person may not place, maintain, or display on or in view of any highway  
23 any unauthorized sign, signal, marking, or device that attempts to direct the  
24 movement of traffic.

25 (c) A person may not place, maintain, or display on or in view of any highway  
26 any unauthorized sign, signal, marking, or device that hides or interferes with the  
27 effectiveness of a traffic control device or a railroad sign or signal.

1 (d) A person may not place, maintain, or display on or in view of any highway  
2 any unauthorized sign, signal, marking, or device that, except as otherwise permitted  
3 by law, contains:

4 (1) Any of the following words: "stop", "curve", "warning", "slow",  
5 "danger", "listen", "look", or "school"; or

6 (2) Any other word used in directing the movement of traffic.

7 (e) A person may not place or maintain on any highway nor may any public  
8 authority permit on any highway any traffic sign or signal that has any commercial  
9 advertising on it.

10 (f) This section does not prohibit the placement on private property adjacent  
11 to a highway of a sign giving useful directional information, if the sign is of a type  
12 that cannot be mistaken for an official sign and is placed with the approval of the  
13 State Highway Administration.

14 (g) Each sign, signal, marking, or device prohibited by this section is a public  
15 AND PRIVATE nuisance, and the authority that has jurisdiction over the highway may  
16 remove it without notice.

17 (H) FOR THE PURPOSES OF ENFORCING THIS SECTION, THERE SHALL BE A  
18 REBUTTABLE PRESUMPTION THAT AN OUTDOOR SIGN, SIGNAL, MARKING, OR  
19 DEVICE ERECTED IN VIOLATION OF THIS SECTION WAS ERECTED BY THE PERSON  
20 BEING ADVERTISED BY THE SIGN, SIGNAL, MARKING, OR DEVICE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2002.