
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Transportation)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Unauthorized Signs on Rights-of-Way**

3 FOR the purpose of providing for original jurisdiction of the District Court for certain
4 actions; prohibiting unauthorized signs within the right-of-way of a State
5 highway; clarifying that such signs may be removed by the Administration and
6 other agencies; making it illegal to place or maintain certain signs within the
7 right-of-way of a State highway; providing for civil penalties; and generally
8 relating to the placement and maintenance of signs on State highway
9 rights-of-way.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 4-401
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 5-407
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 8-605
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2004 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 4-401.

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

6 (1) An action in contract or tort, if the debt or damages claimed do not
7 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and
8 attorney's fees if attorney's fees are recoverable by law or contract;

9 (2) An action of replevin, regardless of the value of the thing in
10 controversy;

11 (3) A matter of attachment before judgment, if the sum claimed does not
12 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and
13 attorney's fees if attorney's fees are recoverable by law or contract;

14 (4) An action involving landlord and tenant, distraint, or wrongful
15 detainer, regardless of the amount involved;

16 (5) A grantee suit brought under § 14-109 of the Real Property Article;

17 (6) A petition for injunction relating to the use, disposition,
18 encumbrances, or preservation of property that is:

19 (i) Claimed in a replevin action, until seizure under the writ; or

20 (ii) Sought to be levied upon in an action of distress, until levy and
21 any removal;

22 (7) A petition of injunction filed by:

23 (i) A tenant in an action under § 8-211 of the Real Property Article
24 or a local rent escrow law; or

25 (ii) A person who brings an action under § 14-120 or § 14-125.1 of
26 the Real Property Article;

27 (8) A petition filed by a county or municipality, including Baltimore City,
28 for enforcement of local health, housing, fire, building, electric, licenses and permits,
29 plumbing, animal control, consumer protection, and zoning codes for which equitable
30 relief is provided;

31 (9) Proceedings under Title 12 or Title 13 of the Criminal Procedure
32 Article for the forfeiture or return of moneys involved in a gambling or controlled
33 dangerous substances seizure where the amount involved, excluding any interest and
34 attorney's fees, if attorney's fees are recoverable by law or contract, does not exceed
35 \$20,000;

- 1 (10) A proceeding for adjudication of:
- 2 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the
3 Code;
- 4 (ii) A Commission infraction as defined in Article 28, § 5-113 of the
5 Code;
- 6 (iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the
7 Code, concerning rules and regulations governing publicly owned watershed property;
- 8 (iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the
9 Code, concerning WSSC regulations governing:
- 10 1. Erosion and sediment control for utility construction;
- 11 2. Plumbing, gas fitting, and sewer cleaning;
- 12 3. Required permits for utility construction; and
- 13 4. The WSSC Pretreatment Program;
- 14 (v) A zoning violation for which a civil penalty has been provided
15 pursuant to Article 66B, § 7.02 or Article 28, § 8-120(c) of the Code;
- 16 (vi) A violation of an ordinance enacted:
- 17 1. By a charter county for which a civil penalty is provided
18 under Article 25A, § 5(A) of the Code;
- 19 2. By the Mayor and City Council of Baltimore for which a
20 civil penalty is provided by ordinance; or
- 21 3. By a code county for which a civil citation is issued under
22 Article 25B, § 13C-1 of the Code;
- 23 (vii) A citation for a Code violation issued under § 10-119 of the
24 Criminal Law Article;
- 25 (viii) A civil infraction relating to a violation of the campaign finance
26 laws under § 13-604 of the Election Law Article;
- 27 (ix) A violation of an ordinance or regulation enacted by a county
28 without home rule, under authority granted under Article 25 of the Code, or any
29 provision of the Code of Public Local Laws for that county, for which a civil penalty is
30 provided;
- 31 (x) A civil infraction that is authorized by law to be prosecuted by a
32 sanitary commission;

1 (xi) A subdivision violation for which a civil penalty has been
2 provided in accordance with Article 66B, § 14.07(f) of the Code; or

3 (xii) A violation under Title 10, Subtitle 1, Part III of the Criminal
4 Law Article;

5 (11) A proceeding for adjudication of a civil penalty for any violation under
6 § 5-1001 of the Environment Article, § 15-113, § 15-113.1, § 21-1122, or § 21-1414 of
7 the Transportation Article, or § 14-304 of the Public Safety Article, or any rule or
8 regulation issued pursuant to those sections;

9 (12) A proceeding to enforce a civil penalty assessed by the Maryland
10 Division of Labor and Industry under Title 5 of the Labor and Employment Article
11 where the amount involved does not exceed \$20,000;

12 (13) A proceeding for a civil infraction under § 21-202.1 of the
13 Transportation Article;

14 (14) A proceeding for a temporary peace order or a final peace order under
15 Title 3, Subtitle 15 of this article;

16 (15) A proceeding for condemnation and immediate possession of and title
17 to abandoned, blighted, distressed, and deteriorated property under authority
18 granted in the Code of Public Local Laws of a county, including Baltimore City, where
19 the estimated value of the property does not exceed \$25,000;

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

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

25 (18) A CIVIL ACTION FOR THE RECOVERY OF COSTS, FOR AN INJUNCTION,
26 OR FOR A CIVIL PENALTY FOR A VIOLATION OF § 8-605(F) OF THE TRANSPORTATION
27 ARTICLE.

28 **Article - Natural Resources**

29 5-407.

30 (a) The State Highway Administration may grant to any person the right to
31 place any advertisement, sign, notice, or other writing along or upon the public
32 highways of the State to be used only in conjunction with direction or danger signals,
33 and subject to the limitations and restrictions imposed at the time the permit is
34 granted. A permit may not be issued unless the need for the direction or danger signal
35 to be erected is clearly demonstrated to the satisfaction of the State Highway
36 Administration. Any person doing an act otherwise prohibited in this section, by
37 virtue of a permit issued by the State Highway Administration, is immune from
38 prosecution.

1 (b) In Kent and Queen Anne's counties, the respective county boards of
2 education may exhibit or display any advertisement, sign, notice, writing, or other
3 device for the purpose of promulgating the safety of students, on or abutting any road
4 or highway which passes near any school. However, these signs may not be displayed
5 farther than 300 yards from any school and any designation of the donor may not
6 comprise a space of more than 2 square feet on the sign.

7 (c) [A] SUBJECT TO TITLE 8 OF THE TRANSPORTATION ARTICLE, A person,
8 without first obtaining the written consent of the owner, may not paint, put, or fix any
9 advertisement, sign, notice, or other writing, other than a notice posted pursuant to
10 law, on or to any stone, tree, fence, stump, pole, building, or other structure which is
11 in or upon [either the,] A public highway or property of another, or procure, direct, or
12 induce the painting, fixing, or placing of the advertisement or sign.

13 (d) For the purpose of enforcing this section, the presence of any
14 advertisement, sign, notice, or other writing, other than a notice posted pursuant to
15 law, upon the public highway or private property adjacent to it constitutes prima facie
16 evidence that it was painted, placed, fixed, or erected at the direction of, or with the
17 consent and approval of, the party or his agent or representative in the State whose
18 name, business, location, or merchandise is advertised thereon.

19 **Article - Transportation**

20 8-605.

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

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

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

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

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

38 (2) (i) The Administration shall adopt regulations governing specific
39 service signs.

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

4 (iii) The Administration shall consult with:

5 1. The Maryland Travel Council prior to drafting
6 regulations; and

7 2. The Department of Business and Economic Development
8 and the appropriate local government officials concerning the placement of specific
9 service signs under this subsection.

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

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

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

20 (F) (1) EXCEPT FOR A SIGN PLACED BY THE ADMINISTRATION OR WITH THE
21 AUTHORIZATION OF THE ADMINISTRATION, A PERSON MAY NOT PLACE A SIGN
22 WITHIN A STATE HIGHWAY RIGHT-OF-WAY.

23 (2) (I) A SIGN PLACED IN VIOLATION OF THIS SUBSECTION MAY BE
24 REMOVED AND DESTROYED BY THE ADMINISTRATION, A LAW ENFORCEMENT
25 OFFICER, OR THE GOVERNMENT OF ANY COUNTY OR MUNICIPAL CORPORATION
26 THROUGH WHICH THE STATE HIGHWAY RUNS WITHOUT RESORT TO LEGAL
27 PROCEEDINGS.

28 (II) THE ADMINISTRATION MAY COLLECT THE COSTS OF REMOVING
29 OR DESTROYING A SIGN AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS
30 PARAGRAPH FROM THE PERSON THAT PLACED, MAINTAINED, OR AUTHORIZED
31 PLACEMENT OF THE SIGN AND MAY REQUEST THAT THE ATTORNEY GENERAL, ON
32 BEHALF OF THE ADMINISTRATION, SEEK AN INJUNCTION AGAINST FURTHER
33 VIOLATIONS OF THIS SUBSECTION IN A CIVIL ACTION IN THE DISTRICT COURT.

34 (3) A PERSON WHO PLACES OR MAINTAINS A SIGN WITHIN THE
35 RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION IS
36 SUBJECT TO A CIVIL PENALTY OF \$1,000, WHICH MAY BE RECOVERED IN A CIVIL
37 ACTION IN THE DISTRICT COURT BROUGHT BY THE ATTORNEY GENERAL ON BEHALF
38 OF THE ADMINISTRATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2005.