

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 155

(Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Transportation)

Judicial Proceedings

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

This departmental bill prohibits the placement of signs on State highway rights-of-way without State Highway Administration (SHA) authorization. The bill sets a maximum civil penalty of \$1,000 for violating this prohibition. Unauthorized signs may be removed and destroyed by SHA, a law enforcement officer, or a local government without obtaining a court order. SHA may recover the costs of sign removal or destruction and seek an injunction in the District Court against the person who placed the signs.

Fiscal Summary

State Effect: Special fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court. Special fund expenditures could decrease under the bill's provision allowing the recovery of the removal costs.

Local Effect: None. Although the bill allows local governments to remove and destroy illegal signs within their jurisdictions, it could be done within existing resources.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: SHA may issue a permit to any person granting the right to place an advertisement, sign, notice, or other writing along or upon the public highways, but only

to be used in conjunction with direction or danger signals. A permit may not be issued unless the need for the direction or danger signal is clearly demonstrated to the satisfaction of SHA.

A person may not, without obtaining written consent of the owner, paint, put, or fix any advertisement, sign, notice, or other writing, other than a notice posted pursuant to law, upon the public highway or the private property adjacent to it.

The presence of any advertisement is *prima facie* evidence that it was placed at the direction of, or with the consent and approval of, the party whose name, business, location, or merchandise is advertised on it.

Federal law requires states to control advertising on the sides of federally funded highways. Failure to control the outdoor advertising could potentially result in the loss of 10% of all federally funded highway aid.

Background: SHA advises that maintenance crews remove thousands of illegal signs each year and SHA receives hundreds of complaints about illegal signage. In 1998, SHA undertook a sign removal initiative that removed 39,805 illegal signs in a six-month period, adding \$127,575 in weekend maintenance costs to the costs of removing signs during regular business hours.

Additionally, an SHA maintenance employee was issued a criminal summons for destruction of property after removing and destroying illegal signs within a right-of-way. The offense carries a maximum fine of \$2,500 and up to three years imprisonment.

State Fiscal Effect: Special fund revenues could increase due to the bill's civil penalty provision. The bill sets a civil penalty of \$1,000 for the illegal placement of signs, which would accrue to SHA.

Additionally, special fund expenditures could potentially be reduced due to the provision allowing for the recovery of the removal costs. SHA estimates that approximately \$250,000 is spent annually to remove unauthorized signs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Baltimore City, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Office of the Attorney General, Department of Legislative Services

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