

HOUSE BILL 921

R1

8lr0838

By: **Delegates Pena–Melnik, Barnes, Frush, and Holmes**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

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 a person without authorization from the State Highway
5 Administration from placing a sign within the right-of-way of a State highway;
6 providing that a sign placed in violation of this Act may be removed by the State
7 Highway Administration, a law enforcement officer, or certain governments;
8 authorizing the Administration or certain governments to recover certain costs
9 and request the Attorney General or certain other counsel to seek an injunction
10 against violations of this Act; providing for civil penalties for a violation of this
11 Act; and generally relating to the placement and maintenance of unauthorized
12 signs on State highway rights-of-way.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 4–401
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Natural Resources
20 Section 5–407
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 8–605
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 4–401.

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

8 (1) An action in contract or tort, if the debt or damages claimed do not
9 exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and
10 attorney’s fees if attorney’s fees are recoverable by law or contract;

11 (2) An action of replevin, regardless of the value of the thing in
12 controversy;

13 (3) A matter of attachment before judgment, if the sum claimed does
14 not exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and
15 attorney’s fees if attorney’s fees are recoverable by law or contract;

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

18 (5) A grantee suit brought under § 14–109 of the Real Property
19 Article;

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

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

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

25 (7) A petition of injunction filed by:

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

28 (ii) A person who brings an action under § 14–120, § 14–125.1,
29 or § 14–125.2 of the Real Property Article;

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

- 1 (9) Proceedings under Title 12 or Title 13 of the Criminal Procedure
2 Article for the forfeiture or return of moneys involved in a gambling or controlled
3 dangerous substances seizure where the amount involved, excluding any interest and
4 attorney's fees, if attorney's fees are recoverable by law or contract, does not exceed
5 \$20,000;
- 6 (10) A proceeding for adjudication of:
- 7 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of
8 the Code;
- 9 (ii) A Commission infraction as defined in Article 28, § 5–113 of
10 the Code;
- 11 (iii) A WSSC infraction as defined in Article 29, § 18–104.1 of the
12 Code, concerning rules and regulations governing publicly owned watershed property;
- 13 (iv) A WSSC infraction as defined in Article 29, § 18–104.2 of the
14 Code, concerning WSSC regulations governing:
- 15 1. Erosion and sediment control for utility construction;
- 16 2. Plumbing, gas fitting, and sewer cleaning;
- 17 3. Required permits for utility construction; and
- 18 4. The WSSC Pretreatment Program;
- 19 (v) A zoning violation for which a civil penalty has been
20 provided pursuant to Article 66B, § 7.02 or Article 28, § 8–120(c) of the Code;
- 21 (vi) A violation of an ordinance enacted:
- 22 1. By a charter county for which a civil penalty is
23 provided under Article 25A, § 5(A) of the Code;
- 24 2. By the Mayor and City Council of Baltimore for which
25 a civil penalty is provided by ordinance; or
- 26 3. By a code county for which a civil citation is issued
27 under Article 25B, § 13C–1 of the Code;
- 28 (vii) A citation for a Code violation issued under § 10–119 of the
29 Criminal Law Article;
- 30 (viii) A civil infraction relating to a violation of the campaign
31 finance laws under § 13–604 of the Election Law Article;

1 (ix) A violation of an ordinance or regulation enacted by a county
2 without home rule, under authority granted under Article 25 of the Code, or any
3 provision of the Code of Public Local Laws for that county, for which a civil penalty is
4 provided;

5 (x) A civil infraction that is authorized by law to be prosecuted
6 by a sanitary commission;

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

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

11 (xiii) A civil infraction relating to the storage or distribution of
12 tobacco products under Article 24, Title 15 of the Code;

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

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

20 (13) A proceeding for a civil infraction under § 21–202.1, § 21–704.1, or
21 § 21–809 of the Transportation Article or § 10–112 of the Criminal Law Article;

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

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

28 (16) A proceeding for a replacement motor vehicle under §
29 14–1502(c)(1)(i) of the Commercial Law Article; [and]

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

1 **(18) A CIVIL ACTION FOR THE RECOVERY OF COSTS, FOR AN**
2 **INJUNCTION, OR FOR A CIVIL PENALTY FOR A VIOLATION OF § 8-605(F) OF THE**
3 **TRANSPORTATION ARTICLE.**

4 **Article – Natural Resources**

5 5-407.

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

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

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

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

32 **Article – Transportation**

33 8-605.

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

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

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

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

4 **(2) (I) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN**
5 **PLACED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED AND DESTROYED**
6 **BY THE ADMINISTRATION, A LAW ENFORCEMENT OFFICER, OR THE**
7 **GOVERNMENT OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE**
8 **SIGN WAS PLACED.**

9 **(II) THE ADMINISTRATION OR THE GOVERNMENT OF THE**
10 **COUNTY OR MUNICIPAL CORPORATION IN WHICH THE SIGN WAS PLACED MAY:**

11 **1. COLLECT THE COSTS OF REMOVING OR**
12 **DESTROYING A SIGN AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS**
13 **PARAGRAPH FROM THE PERSON THAT PLACED, MAINTAINED, OR AUTHORIZED**
14 **PLACEMENT OF THE SIGN; AND**

15 **2. REQUEST THAT THE ATTORNEY GENERAL,**
16 **COUNTY ATTORNEY, OR MUNICIPAL CORPORATION ATTORNEY, ON BEHALF OF**
17 **THE ADMINISTRATION OR THE GOVERNMENT OF THE COUNTY OR MUNICIPAL**
18 **CORPORATION IN WHICH THE SIGN WAS PLACED, SEEK AN INJUNCTION AGAINST**
19 **FURTHER VIOLATIONS OF THIS SUBSECTION IN A CIVIL ACTION IN THE**
20 **DISTRICT COURT.**

21 **(3) (I) A PERSON WHO PLACES OR MAINTAINS A SIGN WITHIN**
22 **THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION**
23 **IS SUBJECT TO A CIVIL PENALTY OF \$1,000, WHICH MAY BE RECOVERED IN A**
24 **CIVIL ACTION IN THE DISTRICT COURT BROUGHT BY THE ATTORNEY GENERAL**
25 **ON BEHALF OF THE ADMINISTRATION.**

26 **(II) AS TO A COUNTY OR MUNICIPAL CORPORATION IN**
27 **WHICH THE SIGN WAS PLACED, THE COUNTY OR MUNICIPAL CORPORATION MAY**
28 **IMPOSE A CIVIL PENALTY THAT DOES NOT EXCEED \$1,000, WHICH MAY BE**
29 **RECOVERED IN A CIVIL ACTION IN THE DISTRICT COURT BROUGHT BY THE**
30 **COUNTY ATTORNEY OR THE MUNICIPAL CORPORATION ATTORNEY.**

31 **(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, AND**
32 **FOR OTHER THAN A NOTICE POSTED PURSUANT TO LAW, THE PRESENCE OF AN**
33 **ADVERTISEMENT, SIGN, NOTICE, OR OTHER WRITING UPON A PUBLIC HIGHWAY**
34 **OR ON PRIVATE PROPERTY ADJACENT TO IT CONSTITUTES PRIMA FACIE**
35 **EVIDENCE THAT IT WAS PAINTED, PLACED, FIXED, OR ERECTED AT THE**
36 **DIRECTION OF, OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE**

1 **PERSON'S AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS,**
2 **LOCATION, OR MERCHANDISE IS ADVERTISED THEREON.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.