

HOUSE BILL 130

R1
HB 921/08 – ENV

9lr0337

By: **Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon**

Introduced and read first time: January 23, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of providing for original jurisdiction of the District Court for certain
5 actions; prohibiting a person without authorization from the State Highway
6 Administration from placing or maintaining a sign within the right-of-way of a
7 State highway; providing that a sign placed or maintained in violation of this
8 Act may be removed by the State Highway Administration, a law enforcement
9 officer, or certain governments; authorizing the Administration or certain
10 governments to recover certain costs and to seek an injunction against
11 violations of this Act; providing for civil penalties for a violation of this Act;
12 providing that the presence of a sign within a State highway right-of-way is
13 prima facie evidence of certain facts; and generally relating to the placement
14 and maintenance of unauthorized signs on State highway rights-of-way.

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 4–401(16) and (17)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2008 Supplement)

20 BY adding to
21 Article – Courts and Judicial Proceedings
22 Section 4–401(18)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–605
2 Annotated Code of Maryland
3 (2008 Replacement Volume)

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

6 **Article – Courts and Judicial Proceedings**

7 4–401.

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

11 (16) A proceeding for a replacement motor vehicle under §
12 14–1502(c)(1)(i) of the Commercial Law Article; [and]

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

16 **(18) A CIVIL ACTION FOR THE RECOVERY OF COSTS, FOR AN**
17 **INJUNCTION, OR FOR A CIVIL PENALTY FOR A VIOLATION OF § 8–605(F) OF THE**
18 **TRANSPORTATION ARTICLE.**

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
30 will 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.

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

5 (2) (i) The Administration shall adopt regulations governing
6 specific service signs.

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

10 (iii) The Administration shall consult with:

11 1. The Maryland Travel Council prior to drafting
12 regulations; and

13 2. The Department of Business and Economic
14 Development and the appropriate local government officials concerning the placement
15 of specific service signs under this subsection.

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

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

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

26 **(F) (1) EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE**
27 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION, A**
28 **PERSON MAY NOT PLACE OR MAINTAIN A SIGN WITHIN A STATE HIGHWAY**
29 **RIGHT-OF-WAY.**

30 **(2) (I) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN**
31 **PLACED OR MAINTAINED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED**
32 **AND DESTROYED BY THE ADMINISTRATION, A LAW ENFORCEMENT OFFICER, OR**
33 **THE GOVERNMENT OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH**
34 **THE SIGN WAS LOCATED.**

1 **(II) THE ADMINISTRATION OR THE GOVERNMENT OF THE**
2 **COUNTY OR MUNICIPAL CORPORATION THAT REMOVED OR DESTROYED THE**
3 **SIGN MAY:**

4 **1. COLLECT THE COSTS OF REMOVING OR**
5 **DESTROYING A SIGN AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS**
6 **PARAGRAPH FROM THE PERSON THAT PLACED OR MAINTAINED THE SIGN; AND**

7 **2. SEEK AN INJUNCTION AGAINST FURTHER**
8 **VIOLATIONS OF THIS SUBSECTION IN A CIVIL ACTION IN THE DISTRICT COURT.**

9 **(3) (I) A PERSON THAT PLACES OR MAINTAINS A SIGN WITHIN**
10 **THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION**
11 **IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$100 PER SIGN, WHICH MAY**
12 **BE RECOVERED IN A CIVIL ACTION IN THE DISTRICT COURT BY THE**
13 **ADMINISTRATION OR BY THE COUNTY OR MUNICIPAL CORPORATION IN WHICH**
14 **THE SIGN WAS LOCATED.**

15 **(II) AS TO A COUNTY OR MUNICIPAL CORPORATION IN**
16 **WHICH THE SIGN WAS LOCATED, THE CIVIL ACTION IN THE DISTRICT COURT**
17 **MAY BE BROUGHT BY THE COUNTY ATTORNEY OR, IF THE SIGN WAS LOCATED IN**
18 **A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION ATTORNEY.**

19 **(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, THE**
20 **PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY CONSTITUTES**
21 **PRIMA FACIE EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE**
22 **DIRECTION OF, OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE**
23 **PERSON'S AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS,**
24 **LOCATION, OR MERCHANDISE IS DISPLAYED ON THE SIGN.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2009.**