

HOUSE BILL 130

R1

9lr0337

HB 921/08 – ENV

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 2009

CHAPTER _____

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 local governments; authorizing the Administration or certain
10 local governments to ~~recover certain costs~~ collect certain civil penalties and to
11 seek an injunction against violations of this Act; providing for civil penalties for
12 a violation of this Act; providing that certain provisions of this Act may be
13 enforced only by issuance of a warning for a certain period of time; requiring the
14 Administration and certain local governments to retain civil penalties collected
15 under certain provisions of this Act; providing that the presence of a sign within
16 a State highway right-of-way is ~~prima facie~~ evidence of certain facts; and
17 generally relating to the placement and maintenance of unauthorized signs on
18 State highway rights-of-way.

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 4-401(16) and (17)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Courts and Judicial Proceedings
3 Section 4–401(18)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 8–605
9 Annotated Code of Maryland
10 (2008 Replacement Volume)

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

13 **Article – Courts and Judicial Proceedings**

14 4–401.

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

18 (16) A proceeding for a replacement motor vehicle under §
19 14–1502(c)(1)(i) of the Commercial Law Article; [and]

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

23 **(18) A CIVIL ACTION FOR ~~THE RECOVERY OF COSTS, FOR AN~~**
24 **~~INJUNCTION, AN INJUNCTION OR FOR A CIVIL PENALTY FOR A VIOLATION OF §~~**
25 **~~8–605(F) OF THE TRANSPORTATION ARTICLE.~~**

26 **Article – Transportation**

27 8–605.

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

31 (b) (1) Except as provided in paragraph (2) of this subsection, the
32 Administration shall assume the full cost of installing and maintaining traffic signals
33 required at the intersection of a State highway with any municipal street or highway

1 or at any other place along a State highway that is within the limits of any municipal
2 corporation.

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

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

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

12 (2) (i) The Administration shall adopt regulations governing
13 specific service signs.

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

17 (iii) The Administration shall consult with:

18 1. The Maryland Travel Council prior to drafting
19 regulations; and

20 2. The Department of Business and Economic
21 Development and the appropriate local government officials concerning the placement
22 of specific service signs under this subsection.

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

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

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

33 (F) (1) EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE
34 ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION, A

PERSON MAY NOT PLACE OR MAINTAIN A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY.

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

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

1. COLLECT THE ~~COSTS OF REMOVING OR DESTROYING A SIGN AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~ CIVIL PENALTY PROVIDED FOR UNDER PARAGRAPH (3) OF THIS SUBSECTION FROM THE PERSON THAT PLACED OR MAINTAINED THE SIGN; AND

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

(3) (I) A PERSON THAT PLACES OR MAINTAINS A SIGN WITHIN THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING ~~\$100~~ \$25 PER SIGN, WHICH, IF NOT PAID AFTER BEING CITED AND ASSESSED BY THE ADMINISTRATION, COUNTY, OR MUNICIPAL CORPORATION, MAY BE RECOVERED IN A CIVIL ACTION IN THE DISTRICT COURT BY THE ADMINISTRATION OR BY THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE SIGN WAS LOCATED.

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

(III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL CORPORATION MAY ENFORCE THIS SUBSECTION ONLY BY THE ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN REMOVAL PROGRAM.

(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, THE PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY ~~CONSTITUTES PRIMA-FACIE~~ SHALL BE EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE DIRECTION OF, OR WITH THE CONSENT AND APPROVAL OF, THE PERSON

1 OR THE PERSON'S AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME,
2 BUSINESS, LOCATION, OR MERCHANDISE IS DISPLAYED ON THE SIGN.

3 (5) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL
4 CORPORATION SHALL RETAIN ANY CIVIL PENALTIES THAT IT COLLECTS UNDER
5 THIS SUBSECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.