

# HOUSE BILL 216

R1  
HB 130/09 – ENV

0lr0685  
CF 0lr2198

By: **Delegates Pena–Melnyk, Barnes, Frush, Hecht, Holmes, Kipke, Niemann,  
F. Turner, V. Turner, Valderrama, and Walker**

Introduced and read first time: January 22, 2010

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 Administration, a law enforcement officer, or certain  
9 local governments; authorizing the Administration or certain local governments  
10 to collect certain civil penalties and to seek an injunction against violations of  
11 this Act; providing for civil penalties for certain violations of this Act; providing  
12 that certain provisions of this Act may be enforced only by issuance of a warning  
13 for a certain period of time; requiring the Administration and certain local  
14 governments to retain civil penalties collected under certain provisions of this  
15 Act; providing that the presence of a sign within a State highway right-of-way  
16 is evidence of certain facts; and generally relating to the placement and  
17 maintenance of unauthorized signs on State highway  
18 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 2009 Supplement)

24 BY adding to  
25 Article – Courts and Judicial Proceedings  
26 Section 4–401(18)  
27 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 8–605  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

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

**Article – Courts and Judicial Proceedings**

4–401.

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

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

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

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

**Article – Transportation**

8–605.

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

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

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

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

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

7 (2) (i) The Administration shall adopt regulations governing  
8 specific service signs.

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

12 (iii) The Administration shall consult with:

13 1. The Maryland Travel Council prior to drafting  
14 regulations; and

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

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

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

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

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

32 **(2) (I) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN**  
33 **PLACED OR MAINTAINED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED**  
34 **AND DESTROYED BY THE ADMINISTRATION, A LAW ENFORCEMENT OFFICER, OR**  
35 **THE GOVERNMENT OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH**  
36 **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 CIVIL PENALTY PROVIDED FOR**  
5 **UNDER PARAGRAPH (3) OF THIS SUBSECTION FROM THE PERSON THAT PLACED**  
6 **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 \$25 PER SIGN, WHICH, IF NOT**  
12 **PAID AFTER BEING CITED AND ASSESSED BY THE ADMINISTRATION, COUNTY,**  
13 **OR MUNICIPAL CORPORATION, MAY BE RECOVERED IN A CIVIL ACTION IN THE**  
14 **DISTRICT COURT BY THE ADMINISTRATION OR BY THE COUNTY OR MUNICIPAL**  
15 **CORPORATION IN WHICH THE SIGN WAS LOCATED.**

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

20                   **(III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL**  
21 **CORPORATION:**

22                   **1. MAY ENFORCE THIS SUBSECTION ONLY BY THE**  
23 **ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN**  
24 **REMOVAL PROGRAM; AND**

25                   **2. SHALL ENFORCE THIS SUBSECTION ON A**  
26 **VIEWPOINT AND CONTENT NEUTRAL BASIS.**

27                   **(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, THE**  
28 **PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY SHALL BE**  
29 **EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE DIRECTION OF,**  
30 **OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE PERSON'S**  
31 **AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS, LOCATION,**  
32 **OR PRODUCT REPRESENTATION IS DISPLAYED ON THE SIGN.**

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

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5                   October 1, 2010.