

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 185 (Delegate Kelly)  
Environmental Matters

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Transportation - Unlawful Signs Along Highways - Enforcement

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This bill clarifies that, for enforcement purposes, the presence of any unauthorized outdoor advertising sign along a specified highway or expressway is evidence that it was placed or maintained at the direction of, or with the consent and approval of, the party whose name, business, location, or merchandise is displayed on it.

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Fiscal Summary

**State Effect:** The bill simply clarifies current law; however, to the extent clarifying responsibility for violations leads to more convictions, general fund penalty revenues increase minimally.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Subject to specified exceptions, a person may not erect or maintain any outdoor advertising sign outside the limits of any municipal corporation and within 500 feet of a State highway unless the person has a permit issued by the State Highway Administration (SHA) for that sign. If a violation occurs, SHA may remove a sign after 15 days' written notice to the person owning or controlling the sign. Individuals who violate Regulation of Outdoor Advertising provisions in the Transportation Article are guilty of a misdemeanor and subject to a maximum fine of \$500.

A person may not erect or maintain any outdoor advertising sign along or near any federal aid primary highway or expressway, unless the person has been issued a permit. Federal law and regulations require states to control advertising on the sides of federally funded highways. States that fail to control outdoor advertising may lose 10% of all federal highway aid.

Among other things, a State highway includes a right-of-way that is at least 40 feet wide.

**Background:** Illegal signs along State highways have become a serious fiscal and safety concern. SHA advises that sign removal is claiming a growing portion of limited highway maintenance resources. In fiscal 2009, SHA spent approximately \$600,000 on the removal of an estimated 69,600 illegal signs. Furthermore, illegal signs distract motorists and create traffic hazards. A 2006 Virginia Tech report found that, when a driver glances away from the forward roadway for more than two seconds, the driver's risk of a crash or near crash event is doubled.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Virginia Polytechnic Institute and State University, Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2010  
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