

SENATE BILL 410

R1
SB 779/10 – JPR

11r0337
CF HB 289

By: **Senator Raskin**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2011

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 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 certain
11 violations of this Act; providing for civil penalties for certain violations of this
12 Act; providing that certain provisions of this Act may be enforced only by
13 issuance of a warning for a certain period of time; requiring the Administration
14 and certain local governments to retain civil penalties collected under certain
15 provisions of this Act; providing that the presence of a sign within a State
16 highway right-of-way is evidence of certain facts; repealing a certain provision
17 relating to when certain political signs may be erected; and generally relating to
18 the placement and maintenance of unauthorized signs on State highway
19 rights-of-way.

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 4-401(16) and (17)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2010 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.



BY adding to
Article – Courts and Judicial Proceedings
Section 4–401(18)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–605 and 8–714
Annotated Code of Maryland
(2008 Replacement Volume and 2010 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.

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

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

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

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

(iii) The Administration shall consult with:

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

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

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

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

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

(F) (1) EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION, A PERSON MAY NOT PLACE OR MAINTAIN A SIGN OR DIRECT, CONSENT TO, OR APPROVE THE PLACEMENT OR MAINTENANCE OF A SIGN, WITHIN A STATE HIGHWAY RIGHT-OF-WAY.

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

6 (II) THE ADMINISTRATION OR THE GOVERNMENT OF THE
7 COUNTY OR MUNICIPAL CORPORATION THAT REMOVED OR DESTROYED THE
8 SIGN MAY, IF THE SIGN IS A COMMERCIAL SIGN:

9 1. COLLECT THE CIVIL PENALTY PROVIDED FOR
10 UNDER PARAGRAPH (3) OF THIS SUBSECTION FROM THE PERSON THAT PLACED
11 OR MAINTAINED THE COMMERCIAL SIGN; AND

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

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

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

27 (III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL
28 CORPORATION:

29 1. MAY ENFORCE THIS SUBSECTION ONLY BY THE
30 ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN
31 REMOVAL PROGRAM; AND

32 2. SHALL ENFORCE THIS SUBSECTION ON A
33 VIEWPOINT AND CONTENT NEUTRAL BASIS.

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

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

10 8-714.

11 (a) Whether or not the person must be licensed under Part II of this subtitle,
12 a person may not erect or maintain any outdoor sign outside the limits of any
13 municipal corporation and within 500 feet of a State highway, unless the person has a
14 permit issued by the Administration for that sign.

15 (b) A permit is not required under this section to erect or maintain any
16 outdoor sign:

17 (1) That is used only to advertise the sale or lease of the property on
18 which it is located;

19 (2) That is on or within 100 feet of any building or the entrance to any
20 building in which the business advertised is carried on;

21 (3) That is used only to advertise:

22 (i) A Maryland historic shrine or institution; or

23 (ii) A county or church fair held in this State;

24 (4) That advertises a candidate or the support or defeat of any
25 proposition. This sign:

26 (i) Shall comply with all provisions of the Election Law Article;

27 (ii) Shall comply with public safety requirements as set forth in
28 § 8-716 of this subtitle;

29 (iii) Shall conform to all local restrictions and zoning
30 requirements which are more restrictive than this section[, including any applicable
31 time limitations. In the absence of an applicable time limitation, the sign:

1. May not be erected more than 45 days prior to the election; and

2. Shall be removed within 15 days after the general election, or within 15 days after the primary election if the candidate is not a candidate in the general election]; and

(iv) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; or

(5) That is only a temporary outdoor sign that advertises the sale in season of fresh produce on property that adjoins a State highway by a person who has grown the fresh produce and who owns, rents, or has permission to sell on the property. This sign:

(i) Shall comply with public safety requirements as set forth in § 8-716 of this subtitle;

(ii) Shall conform to all local restrictions and zoning requirements that are more restrictive than this section, including any applicable time limitation;

(iii) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; and

(iv) Shall be removed or covered when produce is no longer for sale.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.