

HOUSE BILL 1139

R1

2lr2943
CF 2lr3256

By: **Delegates Schuh, Feldman, Haddaway–Riccio, Harrison, and Minnick**
Introduced and read first time: February 10, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unauthorized Signs on Highway Rights-of-Way – Exceptions**

3 FOR the purpose of exempting a sign placed or maintained by a home builder or real
4 estate broker during certain time periods from the prohibition against placing
5 or maintaining a sign within the right-of-way of a State highway; making a
6 stylistic change; and generally relating to the placement and maintenance of
7 signs on State highway rights-of-way.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 8–605(f)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 Supplement)

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

15 **Article – Transportation**

16 8–605.

17 (f) (1) Except [for a sign placed or maintained by the Administration or
18 with the authorization of the Administration] **AS PROVIDED IN PARAGRAPH (2) OF**
19 **THIS SUBSECTION**, a person may not place or maintain a sign or direct, consent to, or
20 approve the placement or maintenance of a sign, within a State highway right-of-way.

21 **(2) THE PROHIBITION IN PARAGRAPH (1) OF THIS SUBSECTION**
22 **DOES NOT APPLY TO A SIGN PLACED OR MAINTAINED BY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE ADMINISTRATION OR WITH THE AUTHORIZATION**
2 **OF THE ADMINISTRATION; OR**

3 **(II) A HOME BUILDER OR REAL ESTATE BROKER:**

4 **1. FROM 8 A.M. ON FRIDAY TO 9 A.M. ON MONDAY;**
5 **OR**

6 **2. FROM 9 A.M. ON A COUNTY, STATE, OR FEDERAL**
7 **HOLIDAY TO 9 A.M. ON THE FOLLOWING DAY.**

8 **[(2)] (3)** (i) Without resort to legal proceedings, a sign placed or
9 maintained in violation of this subsection may be removed and destroyed by the
10 Administration, a law enforcement officer, or the government of the county or
11 municipal corporation in which the sign was located.

12 (ii) The Administration or the government of the county or
13 municipal corporation that removed or destroyed the sign may, if the sign is a
14 commercial sign:

15 1. Collect the civil penalty provided for under paragraph
16 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
17 sign; and

18 2. Seek an injunction against further violations of this
19 subsection in a civil action in the District Court.

20 **[(3)] (4)** (i) A person that places or maintains a commercial sign
21 within the right-of-way of a State highway in violation of this subsection is subject to
22 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
23 cited and assessed by the Administration, county, or municipal corporation, may be
24 recovered in a civil action in the District Court by the Administration or by the county
25 or municipal corporation in which the commercial sign was located.

26 (ii) As to a county or a municipal corporation in which the
27 commercial sign was located, the civil action in the District Court may be brought by
28 the county attorney or, if the commercial sign was located in a municipal corporation,
29 the municipal corporation attorney.

30 (iii) The Administration, a county, or a municipal corporation:

31 1. May enforce this subsection only by the issuance of a
32 warning for the first 3 months after initiating a sign removal program; and

33 2. Shall enforce this subsection on a viewpoint and
34 content neutral basis.

1 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
2 a sign within a State highway right-of-way shall be evidence that the sign was placed
3 or maintained at the direction of, or with the consent and approval of, the person or
4 the person's agent or representative in the State whose name, business, location, or
5 product representation is displayed on the sign.

6 **[(5)] (6)** The Administration, a county, or a municipal corporation
7 shall retain any civil penalties that it collects under this subsection.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.