

# HOUSE BILL 216

R1  
HB 130/09 – ENV

0lr0685  
CF SB 779

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

Introduced and read first time: January 22, 2010

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2010

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## 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 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; providing for a delayed effective date; and generally  
17 relating to the placement and maintenance of unauthorized signs on State  
18 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

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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 (2006 Replacement Volume and 2009 Supplement)

2 BY adding to

3 Article – Courts and Judicial Proceedings

4 Section 4–401(18)

5 Annotated Code of Maryland

6 (2006 Replacement Volume and 2009 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 8–605

10 Annotated Code of Maryland

11 (2008 Replacement Volume and 2009 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 4–401.

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

19 (16) A proceeding for a replacement motor vehicle under §  
20 14–1502(c)(1)(i) of the Commercial Law Article; **[and]**

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

24 **(18) A CIVIL ACTION FOR AN INJUNCTION OR FOR A CIVIL**  
25 **PENALTY FOR A VIOLATION OF § 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**

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

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

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

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

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

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

23 (II) AS TO A COUNTY OR A MUNICIPAL CORPORATION IN  
24 WHICH THE SIGN WAS LOCATED, THE CIVIL ACTION IN THE DISTRICT COURT  
25 MAY BE BROUGHT BY THE COUNTY ATTORNEY OR, IF THE SIGN WAS LOCATED IN  
26 A MUNICIPAL CORPORATION, THE 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           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 11 ~~October 1, 2010~~ January 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.