

SENATE BILL 360

R1

2lr1902
CF 2lr2344

By: **Senator Shank**

Introduced and read first time: January 30, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Signs on Highway Rights-of-Way – Permits**

3 FOR the purpose of establishing that a certain prohibition relating to the placement
4 and maintenance of signs on State highway rights-of-way does not apply to a
5 sign for which a certain permit has been issued; authorizing the State Highway
6 Administration to issue a certain permit for a sign located within a State
7 highway right-of-way under certain circumstances; and generally relating to
8 permits for signs on State highway rights-of-way.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 8–605(f) and 8–715
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

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

16 **Article – Transportation**

17 8–605.

18 (f) (1) Except [for a sign placed or maintained by the Administration or
19 with the authorization of the Administration] **AS PROVIDED IN PARAGRAPH (6) OF**
20 **THIS SUBSECTION**, a person may not place or maintain a sign or direct, consent to, or
21 approve the placement or maintenance of a sign, within a State highway right-of-way.

22 (2) (i) Without resort to legal proceedings, a sign placed or
23 maintained in violation of this subsection may be removed and destroyed by the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Administration, a law enforcement officer, or the government of the county or
2 municipal corporation in which the sign was located.

3 (ii) The Administration or the government of the county or
4 municipal corporation that removed or destroyed the sign may, if the sign is a
5 commercial sign:

6 1. Collect the civil penalty provided for under paragraph
7 (3) of this subsection from the person that placed or maintained the commercial sign;
8 and

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

11 (3) (i) A person that places or maintains a commercial sign within
12 the right-of-way of a State highway in violation of this subsection is subject to a civil
13 penalty not exceeding \$25 per commercial sign, which, if not paid after being cited and
14 assessed by the Administration, county, or municipal corporation, may be recovered in
15 a civil action in the District Court by the Administration or by the county or municipal
16 corporation in which the commercial sign was located.

17 (ii) As to a county or a municipal corporation in which the
18 commercial sign was located, the civil action in the District Court may be brought by
19 the county attorney or, if the commercial sign was located in a municipal corporation,
20 the municipal corporation attorney.

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

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

24 2. Shall enforce this subsection on a viewpoint and
25 content neutral basis.

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

31 (5) The Administration, a county, or a municipal corporation shall
32 retain any civil penalties that it collects under this subsection.

33 **(6) THIS SUBSECTION DOES NOT APPLY TO A SIGN:**

34 **(I) PLACED OR MAINTAINED BY THE ADMINISTRATION;**

1 **(II) AUTHORIZED BY THE ADMINISTRATION; OR**

2 **(III) FOR WHICH A PERMIT HAS BEEN ISSUED IN**
3 **ACCORDANCE WITH SUBTITLE 7, PART III OF THIS TITLE.**

4 8-715.

5 (a) Each application for a permit under this part:

6 (1) Shall be made on a form provided by the Administration;

7 (2) Shall be signed by the applicant; and

8 (3) Shall include the information required by this section.

9 (b) Each application for an outdoor sign permit shall include:

10 (1) The name of the county and election district and the approximate
11 distance from the nearest municipal corporation where the applicant proposes to erect
12 or maintain the sign;

13 (2) A statement as to whether or not the proposed location is within
14 any area over which the General Assembly has granted zoning powers to any agency
15 and, if the proposed location is within such an area:

16 (i) The name of that area; and

17 (ii) A certificate that satisfies the Administration that the
18 appropriate agency has approved the erection or maintenance of the sign;

19 (3) Specifications as to each of the following:

20 (i) The dimensions and the area in square feet of advertising
21 surface on the sign, as contained within a line drawn around the outer edge of its
22 advertising matter, pictorial design, and all border and trim;

23 (ii) The distance from the ground to the top of the sign;

24 (iii) The material used in the construction of the sign; and

25 (iv) The distance from the sign to the nearest highway;

26 (4) A plat that accurately shows, for the area within 500 feet of the
27 sign:

28 (i) The proposed location of the sign with reference to the
29 location of each State highway;

- 1 (ii) The location of the boundaries of the State highway; and
- 2 (iii) The relative location of any intersection at grade of the State
- 3 highway with another highway or with a railroad; and
- 4 (5) Any other plats or information that the Administration considers
- 5 necessary to determine whether the sign qualifies for a permit under § 8-716 of this
- 6 subtitle.

7 **(C) THE ADMINISTRATION MAY ISSUE A PERMIT UNDER THIS PART FOR**

8 **A SIGN LOCATED WITHIN A STATE HIGHWAY RIGHT-OF-WAY.**

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

10 October 1, 2012.