

SENATE BILL 131

R1

0lr0834

By: **Senator Simonaire**

Introduced and read first time: January 9, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways – Commercial Signs in Rights-of-Way – Penalties**

3 FOR the purpose of increasing the maximum civil penalty applicable to a violation for
4 affixing a commercial sign to a State highway sign, signal, or marker in the State
5 highway right-of-way; clarifying certain language establishing a civil penalty for a
6 violation of the prohibition against placing or maintaining commercial signs in a
7 State highway right-of-way; and generally relating to penalties for unlawfully
8 placing or maintaining commercial signs in State highway rights-of-way.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 8–605
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

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

16 **Article – Transportation**

17 8–605.

18 (a) Along any State highway, the Administration may place signs, signals, or
19 markers to inform the traveling public of directions, distances, danger, or other
20 information.

21 (b) (1) Except as provided in paragraph (2) of this subsection, the
22 Administration shall assume the full cost of installing and maintaining traffic signals
23 required at the intersection of a State highway with any municipal street or highway or at
24 any other place along a State highway that is within the limits of any municipal
25 corporation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 Commerce 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.

(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.

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

(ii) The Administration or the government of the county or

1 municipal corporation that removed or destroyed the sign may, if the sign is a commercial
2 sign:

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

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

7 (3) (i) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
8 **PARAGRAPH, A** person that places or maintains a commercial sign within the
9 right-of-way of a State highway in violation of this subsection is subject to a civil penalty
10 not exceeding \$25 per commercial sign **PLACED OR MAINTAINED**, which, if not paid after
11 being cited and assessed by the Administration, county, or municipal corporation, may be
12 recovered in a civil action in the District Court by the Administration or by the county or
13 municipal corporation in which the commercial sign was located.

14 (ii) **A PERSON THAT VIOLATES THIS SUBSECTION BY AFFIXING**
15 **A COMMERCIAL SIGN TO A STATE HIGHWAY SIGN, SIGNAL, OR MARKER WITHIN THE**
16 **RIGHT-OF-WAY OF THE STATE HIGHWAY IS SUBJECT TO A CIVIL PENALTY NOT**
17 **EXCEEDING \$100 PER COMMERCIAL SIGN AFFIXED.**

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

22 [(iii)] (IV) The Administration, a county, or a municipal corporation:

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

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2020.