

## Chapter 223

**(Senate Bill 24)**

AN ACT concerning

**State Highway Administration – Sale or Lease of Naming Rights for Rest Areas and Welcome Centers**

FOR the purpose of authorizing the State Highway Administration to sell or lease to a private entity the naming rights for rest areas and welcome centers along State highways; requiring the term of a contract for the sale or lease of naming rights for rest areas and welcome centers to be at least a certain period of time; prohibiting the Administration from selling or leasing highway naming rights under this Act unless the Administration makes a certain determination regarding compliance of the proposed use of the naming rights with federal regulations and the distribution of certain federal funds; providing that a sale or lease of naming rights for a rest area or welcome center may not be construed to require that any official State highway sign or mailing address be altered; authorizing a private entity that purchases or leases the naming rights for a rest area or welcome center to erect certain outdoor signs along the highway; requiring a private entity that erects outdoor signs along a State highway under this Act to pay all costs associated with the signs; requiring outdoor signs erected by a private entity along a State highway to comply with certain requirements; requiring proceeds from the sale or lease of naming rights for a rest area or welcome center to be credited to the Transportation Trust Fund; defining certain terms; and generally relating to the sale or lease of naming rights for rest areas or welcome centers along State highway rights-of-way.

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 8–204(h)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2017 Supplement)

BY adding to  
 Article – Transportation  
 Section 8–208  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2017 Supplement)

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

**Article – Transportation**

8–204.

(h) By rules or regulations consistent with the safety and welfare of the traveling public, the Administration may govern the control and use of rest areas, scenic overlooks, roadside picnic areas, and other public use areas within State highway rights-of-way.

**8-208.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “ERECT” HAS THE MEANING STATED IN § 8-701 OF THIS TITLE.**

**(3) “OUTDOOR SIGN” HAS THE MEANING STATED IN § 8-701 OF THIS TITLE.**

**(4) “PRIVATE ENTITY” INCLUDES AN INDIVIDUAL, A CORPORATION, A GENERAL OR LIMITED PARTNERSHIP, A LIMITED LIABILITY COMPANY, A JOINT VENTURE, A BUSINESS TRUST, A PUBLIC BENEFIT CORPORATION, A NONPROFIT ENTITY, OR ANY OTHER BUSINESS ENTITY.**

**(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATION MAY SELL OR LEASE TO A PRIVATE ENTITY THE NAMING RIGHTS FOR REST AREAS OR WELCOME CENTERS WITHIN STATE HIGHWAY RIGHTS-OF-WAY.**

**(II) THE ADMINISTRATION MAY NOT SELL OR LEASE TO A PRIVATE ENTITY THE NAMING RIGHTS FOR REST AREAS OR WELCOME CENTERS WITHIN STATE HIGHWAY RIGHTS-OF-WAY UNLESS THE ADMINISTRATION DETERMINES THAT THE PROPOSED USE OF THE NAMING RIGHTS AND SIGNAGE ASSOCIATED WITH THE PROPOSED USE OF THE NAMING RIGHTS IS IN COMPLIANCE WITH FEDERAL REGULATIONS GOVERNING THE DISTRIBUTION OF FEDERAL HIGHWAY FUNDS TO THE STATE.**

**(2) THE TERM OF A CONTRACT THAT THE ADMINISTRATION ENTERS INTO UNDER THIS SUBSECTION SHALL BE AT LEAST 1 YEAR.**

**(C) A SALE OR LEASE OF NAMING RIGHTS UNDER THIS SECTION IS SOLELY FOR SPONSORSHIP PURPOSES AND MAY NOT BE CONSTRUED TO REQUIRE THAT ANY OFFICIAL STATE HIGHWAY SIGN OR MAILING ADDRESS BE ALTERED.**

**(D) (1) A PRIVATE ENTITY THAT PURCHASES OR LEASES NAMING RIGHTS FOR A REST AREA OR WELCOME CENTER WITHIN A STATE HIGHWAY RIGHT-OF-WAY UNDER THIS SECTION MAY ERECT OUTDOOR SIGNS ALONG THE HIGHWAY FOR THE PURPOSE OF SPONSORING THE DESIGNATION.**

**(2) ALL COSTS ASSOCIATED WITH OUTDOOR SIGNS ERECTED UNDER THIS SUBSECTION SHALL BE PAID BY THE PRIVATE ENTITY THAT PURCHASES OR LEASES THE NAMING RIGHTS FOR THE REST AREA OR WELCOME CENTER, INCLUDING THE COSTS OF CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, AND REMOVAL OF THE SIGNS.**

**(3) OUTDOOR SIGNS UNDER THIS SUBSECTION:**

**(I) MAY NOT BE ERECTED WITHOUT PRIOR APPROVAL BY:**

**1. THE ADMINISTRATION; AND**

**2. THE FEDERAL HIGHWAY ADMINISTRATION IF NECESSARY TO SECURE FEDERAL HIGHWAY FUNDS;**

**(II) MAY NOT DETRACT FROM THE SAFETY OF THE TRAVELING PUBLIC, AS DETERMINED BY THE ADMINISTRATION;**

**(III) SHALL CONFORM TO ALL DESIGN AND PLACEMENT GUIDELINES FOR ACKNOWLEDGMENT SIGNS PROVIDED IN THE FEDERAL MANUAL ON UNIFORM CONTROL DEVICES FOR STREETS AND HIGHWAYS;**

**(IV) MAY NOT INCLUDE A NAME OR LOGO THAT IN THE JUDGMENT OF THE ADMINISTRATION:**

**1. IS PROFANE, OBSCENE, OR VULGAR;**

**2. IS SEXUALLY EXPLICIT OR GRAPHIC;**

**3. RELATES TO EXCRETORY FUNCTIONS;**

**4. IS DESCRIPTIVE OF THE GENITALS OR OTHER INTIMATE PARTS OF A BODY;**

**5. RELATES TO OR DESCRIBES ILLEGAL ACTIVITIES OR SUBSTANCES;**

**6. CONDONES OR ENCOURAGES VIOLENCE;**

**7. IS SOCIALLY, RACIALLY, OR ETHNICALLY OFFENSIVE OR DISPARAGING; OR**

**8. IS NOT IN THE PUBLIC INTEREST OF THE STATE; AND**

**(V) ARE SUBJECT TO THE REQUIREMENTS OF SUBTITLE 7 OF THIS TITLE AND ANY OTHER LAW GOVERNING OUTDOOR SIGNS.**

**(E) PROCEEDS FROM THE SALE OR LEASE OF NAMING RIGHTS UNDER THIS SECTION SHALL BE CREDITED TO THE TRANSPORTATION TRUST FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 24, 2018.**