

SENATE BILL 779

R1

0lr2198
CF HB 216

By: **Senator Raskin**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and generally relating to the placement and
17 maintenance of unauthorized signs on State highway rights-of-way.

18 BY repealing and reenacting, with amendments,
19 Article – Courts and Judicial Proceedings
20 Section 4-401(16) and (17)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2009 Supplement)

23 BY adding to
24 Article – Courts and Judicial Proceedings
25 Section 4-401(18)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 8–605
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2009 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 4–401.

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

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

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

18 **(18) A CIVIL ACTION FOR AN INJUNCTION OR FOR A CIVIL**
19 **PENALTY FOR A VIOLATION OF § 8–605(F) OF THE TRANSPORTATION ARTICLE.**

20 **Article – Transportation**

21 8–605.

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

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

30 (2) This subsection does not apply where the traffic signal primarily
31 will serve traffic generated by a private development, such as an apartment complex,
32 shopping center, industrial plant, or drive-in theater.

33 (c) Signs, signals, and markers placed along any interstate highway shall
34 conform to all applicable federal standards.

1 (d) (1) For the purpose of providing information to the driving public on
2 the availability of gas, food, lodging, camping, or attractions, the Administration may
3 place along State controlled access highways specific service signs, subject to the
4 applicable federal standards.

5 (2) (i) The Administration shall adopt regulations governing
6 specific service signs.

7 (ii) The regulations shall conform to all applicable federal
8 standards, and shall govern the type, lighting, size, number, and location of specific
9 service signs.

10 (iii) The Administration shall consult with:

11 1. The Maryland Travel Council prior to drafting
12 regulations; and

13 2. The Department of Business and Economic
14 Development and the appropriate local government officials concerning the placement
15 of specific service signs under this subsection.

16 (3) The business or attraction identified in a specific service sign shall
17 pay for the full administrative and operational cost of procurement, installation, and
18 maintenance of the sign.

19 (4) The Administration shall report to the Governor and, in
20 accordance with § 2-1246 of the State Government Article, the General Assembly on
21 or before January 9, 2002 on the installation of service signs along State controlled
22 access highways under this subsection.

23 (e) Any person who removes, damages, or defaces any sign, signal, or marker
24 placed under this section is guilty of a misdemeanor and on conviction is subject to a
25 fine not exceeding \$100.

26 **(F) (1) EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE**
27 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION, A**
28 **PERSON MAY NOT PLACE OR MAINTAIN A SIGN WITHIN A STATE HIGHWAY**
29 **RIGHT-OF-WAY.**

30 **(2) (1) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN**
31 **PLACED OR MAINTAINED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED**
32 **AND DESTROYED BY THE ADMINISTRATION, A LAW ENFORCEMENT OFFICER, OR**
33 **THE GOVERNMENT OF THE COUNTY OR MUNICIPAL CORPORATION IN WHICH**
34 **THE SIGN WAS LOCATED.**

1 **(II) THE ADMINISTRATION OR THE GOVERNMENT OF THE**
2 **COUNTY OR MUNICIPAL CORPORATION THAT REMOVED OR DESTROYED THE**
3 **SIGN MAY:**

4 1. **COLLECT THE CIVIL PENALTY PROVIDED FOR**
5 **UNDER PARAGRAPH (3) OF THIS SUBSECTION FROM THE PERSON THAT PLACED**
6 **OR MAINTAINED THE SIGN; AND**

7 2. **SEEK AN INJUNCTION AGAINST FURTHER**
8 **VIOLATIONS OF THIS SUBSECTION IN A CIVIL ACTION IN THE DISTRICT COURT.**

9 **(3) (I) A PERSON THAT PLACES OR MAINTAINS A SIGN WITHIN**
10 **THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION**
11 **IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$25 PER SIGN, WHICH, IF NOT**
12 **PAID AFTER BEING CITED AND ASSESSED BY THE ADMINISTRATION, COUNTY,**
13 **OR MUNICIPAL CORPORATION, MAY BE RECOVERED IN A CIVIL ACTION IN THE**
14 **DISTRICT COURT BY THE ADMINISTRATION OR BY THE COUNTY OR MUNICIPAL**
15 **CORPORATION IN WHICH THE SIGN WAS LOCATED.**

16 **(II) AS TO A COUNTY OR A MUNICIPAL CORPORATION IN**
17 **WHICH THE SIGN WAS LOCATED, THE CIVIL ACTION IN THE DISTRICT COURT**
18 **MAY BE BROUGHT BY THE COUNTY ATTORNEY OR, IF THE SIGN WAS LOCATED IN**
19 **A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION ATTORNEY.**

20 **(III) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL**
21 **CORPORATION:**

22 1. **MAY ENFORCE THIS SUBSECTION ONLY BY THE**
23 **ISSUANCE OF A WARNING FOR THE FIRST 3 MONTHS AFTER INITIATING A SIGN**
24 **REMOVAL PROGRAM; AND**

25 2. **SHALL ENFORCE THIS SUBSECTION ON A**
26 **VIEWPOINT AND CONTENT NEUTRAL BASIS.**

27 **(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION, THE**
28 **PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY SHALL BE**
29 **EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE DIRECTION OF,**
30 **OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE PERSON'S**
31 **AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS, LOCATION,**
32 **OR PRODUCT REPRESENTATION IS DISPLAYED ON THE SIGN.**

33 **(5) THE ADMINISTRATION, A COUNTY, OR A MUNICIPAL**
34 **CORPORATION SHALL RETAIN ANY CIVIL PENALTIES THAT IT COLLECTS UNDER**
35 **THIS SUBSECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.