

# HOUSE BILL 1186

R1

11r2783

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By: **Delegate Howard**

Introduced and read first time: February 17, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – State Highway Administration – Sale or Lease of Highway**  
3 **Naming Rights**

4 FOR the purpose of authorizing the State Highway Administration to sell or lease to a  
5 private entity the naming rights for a State highway or any part of a State  
6 highway; requiring a contract for the sale or lease of naming rights to a State  
7 highway to be for at least a certain period; providing that a sale or lease of  
8 naming rights to a State highway may not be construed to require that any  
9 highway sign or mailing address be altered; authorizing a private entity that  
10 purchases or leases the naming rights to a State highway to erect certain  
11 outdoor signs along the highway; requiring a private entity that erects outdoor  
12 signs along a State highway to pay all costs associated with the signs; requiring  
13 outdoor signs erected by a private entity along a State highway to comply with  
14 certain requirements; requiring that proceeds from the sale or lease of naming  
15 rights to a State highway be credited to the Transportation Trust Fund;  
16 defining certain terms; and generally relating to the sale or lease of naming  
17 rights to State highways.

18 BY repealing and reenacting, without amendments,  
19 Article – Transportation  
20 Section 8–604  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2010 Supplement)

23 BY adding to  
24 Article – Transportation  
25 Section 8–604.1  
26 Annotated Code of Maryland  
27 (2008 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 8–604.

5 The Administration may name or rename any State highway.

6 **8–604.1.**

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

9 (2) “ERECT” HAS THE MEANING STATED IN § 8–701 OF THIS  
10 TITLE.

11 (3) “OUTDOOR SIGN” HAS THE MEANING STATED IN § 8–701 OF  
12 THIS TITLE.

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

17 (B) (1) THE ADMINISTRATION MAY SELL OR LEASE TO A PRIVATE  
18 ENTITY THE NAMING RIGHTS FOR A STATE HIGHWAY OR ANY PART OF A STATE  
19 HIGHWAY.

20 (2) A CONTRACT THAT THE ADMINISTRATION ENTERS INTO  
21 UNDER THIS SUBSECTION SHALL BE FOR AT LEAST 1 YEAR BUT MAY BE FOR A  
22 LONGER PERIOD.

23 (C) A SALE OR LEASE OF NAMING RIGHTS UNDER THIS SECTION IS  
24 SOLELY FOR PUBLIC RELATIONS OR ADVERTISING PURPOSES AND MAY NOT BE  
25 CONSTRUED TO REQUIRE THAT ANY HIGHWAY SIGN OR MAILING ADDRESS BE  
26 ALTERED.

27 (D) (1) A PRIVATE ENTITY THAT PURCHASES OR LEASES NAMING  
28 RIGHTS TO A STATE HIGHWAY OR ANY PART OF A STATE HIGHWAY UNDER THIS  
29 SECTION MAY ERECT OUTDOOR SIGNS ALONG THE HIGHWAY FOR THE PURPOSE  
30 OF ADVERTISING THE DESIGNATION AND THE PRIVATE ENTITY.

31 (2) ALL COSTS ASSOCIATED WITH OUTDOOR SIGNS ERECTED  
32 UNDER THIS SUBSECTION SHALL BE PAID BY THE PRIVATE ENTITY THAT

1 PURCHASES OR LEASES THE NAMING RIGHTS TO A STATE HIGHWAY, INCLUDING  
2 THE COSTS OF CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE,  
3 AND REMOVAL OF THE SIGNS.

4 (3) OUTDOOR SIGNS UNDER THIS SUBSECTION:

5 (i) MAY NOT BE ERECTED WITHOUT PRIOR APPROVAL BY  
6 THE ADMINISTRATION;

7 (ii) MAY NOT DETRACT FROM THE SAFETY OF THE  
8 TRAVELING PUBLIC, AS DETERMINED BY THE ADMINISTRATION;

9 (iii) SHALL BE ESTHETICALLY APPROPRIATE, AS  
10 DETERMINED BY THE ADMINISTRATION; AND

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.