

HOUSE BILL 1230

R1

9lr2395

By: **Delegate Grammer**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Commercial Signs – Penalty**

3 FOR the purpose of increasing the maximum civil penalty for placing or maintaining a
4 commercial sign within the right-of-way of a State highway; and generally relating
5 to the civil penalty for placing or maintaining a commercial sign within the
6 right-of-way of a State highway.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 8–605(f)
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2018 Supplement)

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

14 **Article – Transportation**

15 8–605.

16 (f) (1) Except for a sign placed or maintained by the Administration or with
17 the authorization of the Administration, a person may not place or maintain a sign or direct,
18 consent to, or approve the placement or maintenance of a sign, within a State highway
19 right-of-way.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 person that places or maintains a commercial sign within the
8 right-of-way of a State highway in violation of this subsection is subject to a civil penalty
9 not exceeding ~~[\$25]~~ **\$1,000** per commercial sign, which, if not paid after being cited and
10 assessed by the Administration, county, or municipal corporation, may be recovered in a
11 civil action in the District Court by the Administration or by the county or municipal
12 corporation in which the commercial sign was located.

13 (ii) As to a county or a municipal corporation in which the
14 commercial sign was located, the civil action in the District Court may be brought by the
15 county attorney or, if the commercial sign was located in a municipal corporation, the
16 municipal corporation attorney.

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

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

20 2. Shall enforce this subsection on a viewpoint and content
21 neutral basis.

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2019.