

BILL ANALYSIS

Senate Research Center
78R4459 JTS-D

S.B. 512
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Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, many Texas cities prohibit the construction of new billboards. However, municipal restrictions do not apply in rural and unincorporated areas. As proposed, S.B. 512 bans the construction of new billboards visible from highways and streets.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 7 (Section 398.004, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 216.001, Local Government Code, by adding Subsection (d) to provide that this subchapter does not allow the relocation or reconstruction of a billboard in violation of Section 398.002, Transportation Code.

SECTION 2. Amends Section 216.901(a), Local Government Code, to authorize a home-rule municipality, subject to Chapter 398, Transportation Code, to license, regulate, control, or prohibit the erection of signs or billboards by charter or ordinance.

SECTION 3. Amends Section 391.001(10), Transportation Code, to redefine "outdoor advertising."

SECTION 4. Amends Section 394.001(5), Transportation Code, to redefine "sign."

SECTION 5. Amends Chapter 394A, Transportation Code, by adding Section 394.006, as follows:

Sec. 394.006. RELATIONSHIP TO GENERAL PROHIBITION OF BILLBOARD.

Provides that this chapter does not allow the erection or relocation of a billboard in violation of Section 398.002.

SECTION 6. Amends Section 394.043(a), Transportation Code, to require an on-premise or off-premise sign, when installed, to be designed to resist certain wind loads.

SECTION 7. Amends Title 6H, Transportation Code, by adding Chapter 398, as follows:

CHAPTER 398. BILLBOARD CONSTRUCTION, REPAIR, AND RELOCATION

Sec. 398.001. DEFINITIONS. Defines "billboard" and "highway or street."

Sec. 398.002. PROHIBITION OF BILLBOARDS VISIBLE FROM HIGHWAY OR STREET. (a) Prohibits a person from erecting a billboard that is visible from a highway or street or repairing or rebuilding a billboard that is visible from a highway or street and is substantially destroyed.

(b) Provides that for purposes of this section, a billboard is substantially destroyed if the cost of repairing or rebuilding the billboard is more than 60 percent of the cost of erecting a new billboard of the same size, type, and construction at the same location.

(c) Provides that this section does not apply to a billboard that displays a sign designed or intended to protect life or property.

Sec. 398.003. **RELOCATION OF BILLBOARD.** (a) Provides that a person does not violate Section 398.002 if the person relocates a billboard and certain requirements are followed.

(b) Authorizes the Texas Transportation Commission (TTC) to designate a highway of the state highway system as or a segment of a highway as a protected highway along which a billboard may not be relocated.

Sec. 398.004. **RULES.** Requires the Texas Department of Transportation to adopt rules for the administration and enforcement of this chapter.

Sec. 398.005. **CIVIL PENALTY.** (a) Provides that a person who violates Section 398.002 is liable to the state for a civil penalty of not less than \$500 or more than \$1,000 for each violation, depending on the seriousness of the violation. Authorizes a separate penalty to be collected for each day a continuing violation occurs.

(b) Authorizes the attorney general, the district or county attorney for the county, or the municipal attorney of the municipality in which the violation is alleged to have occurred to bring a suit for injunctive relief, to collect the civil penalty, or for both the injunctive relief and the civil penalty.

(c) Requires a civil penalty collected by the attorney general under this section to be deposited to the credit of the state highway fund to be used only for landscaping along highways. Requires a civil penalty collected in a suit brought by a county or district attorney or by a municipal attorney under this section to be equally divided between this state and the applicable county or municipality, with this state's portion of the penalty collected to be deposited to the credit of the state highway fund to be used only for landscaping highways.

SECTION 8. Repealer: Chapter 391I (Prohibition of Signs on Certain Highways), Transportation Code.

SECTION 9. (a) Effective date: upon passage or September 1, 2003.

(b) Provides that this Act applies only to a billboard for which an application for a permit or license has not been submitted to the TTC or a municipality before the effective date of this Act.