

By: Nixon

H.B. No. 994

A BILL TO BE ENTITLED

AN ACT

relating to billboards along highways; imposing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 216.001, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) This subchapter does not allow the relocation or reconstruction of a billboard in violation of Section 398.002, Transportation Code.

SECTION 2. Section 216.901(a), Local Government Code, is amended to read as follows:

(a) Subject to Chapter 398, Transportation Code, a [A] home-rule municipality may license, regulate, control, or prohibit the erection of signs or billboards by charter or ordinance.

SECTION 3. Section 391.001(10), Transportation Code, is amended to read as follows:

(10) "Outdoor advertising" means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, ~~[billboard]~~ or other thing designed, intended, or used to advertise or inform if any part of the advertising or information content is visible from the main-traveled way of the interstate or primary system. The term includes a sign, display, light, device, figure, painting, drawing, message, plaque, or poster displayed on a billboard, as defined by Section 398.001. The term does not include a sign or marker giving information about the

1 location of an underground electric transmission line, telegraph or  
2 telephone property or facility, pipeline, public sewer, or  
3 waterline.

4 SECTION 4. Section 394.001(5), Transportation Code, is  
5 amended to read as follows:

6 (5) "Sign" means a structure, display, light, device,  
7 figure, painting, drawing, message, plaque, poster, [~~billboard,~~  
8 or other thing that is designed, intended, or used to advertise or  
9 inform. The term includes a structure, display, light, device,  
10 figure, painting, drawing, message, plaque, or poster displayed on  
11 a billboard, as defined by Section 398.001.

12 SECTION 5. Subchapter A, Chapter 394, Transportation Code,  
13 is amended by adding Section 394.006 to read as follows:

14 Sec. 394.006. RELATIONSHIP TO GENERAL PROHIBITION OF  
15 BILLBOARD. This chapter does not allow the erection or relocation  
16 of a billboard in violation of Section 398.002.

17 SECTION 6. Section 394.043(a), Transportation Code, is  
18 amended to read as follows:

19 (a) An on-premise or off-premise sign, when installed, must  
20 be designed to resist wind loads as follows:

21 Height in feet	Wind load pressure
22 above ground	in pounds for each square foot
23 0-5	0
24 6-30	20
25 31-50	25
26 51-99	35
27 100-199	45

1	200-299	50
2	300-399	55
3	400-500	60
4	501-800	70
5	Over 800	77

6 SECTION 7. Subtitle H, Title 6, Transportation Code, is  
7 amended by adding Chapter 398 to read as follows:

8 CHAPTER 398. BILLBOARD CONSTRUCTION, REPAIR, AND RELOCATION

9 Sec. 398.001. DEFINITIONS. In this chapter:

10 (1) "Billboard" means a structure directly attached to  
11 land or a building that has a panel or other space that is intended  
12 to be rented or is rented by a person other than the owner of the  
13 structure for the display of advertising or other information. The  
14 term does not include:

15 (A) a sign designed or intended to protect life  
16 or property; or

17 (B) a structure erected by an agency or political  
18 subdivision of this state.

19 (2) "Highway or street" has the meaning assigned by  
20 Section 541.302.

21 Sec. 398.002. PROHIBITION OF BILLBOARDS VISIBLE FROM  
22 HIGHWAY OR STREET. (a) A person may not:

23 (1) erect a billboard that is visible from a highway or  
24 street; or

25 (2) repair or rebuild a billboard that is visible from  
26 a highway or street and is substantially destroyed.

27 (b) For the purposes of this section, a billboard is

1 substantially destroyed if the cost of repairing or rebuilding the  
2 billboard is more than 60 percent of the cost of erecting a new  
3 billboard of the same size, type, and construction at the same  
4 location.

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

7 Sec. 398.003. RELOCATION OF BILLBOARD. (a) A person does  
8 not violate Section 398.002 if the person relocates a billboard  
9 and:

10 (1) the construction, reconstruction, or expansion of  
11 a highway or street requires the removal of the billboard;

12 (2) the same type of billboard supports are used at the  
13 new location;

14 (3) the height above the grade level of the highway or  
15 street from which the sign on the billboard is viewed, the lighting,  
16 the dimensions and area of the sign face on the billboard, or the  
17 number of sign faces on the billboard are not increased; and

18 (4) if the billboard is to be relocated to a location  
19 in the corporate limits or the extraterritorial jurisdiction of a  
20 municipality, the governing body of the municipality allows the  
21 relocation of the billboard and approves the new site.

22 (b) The commission may designate a highway of the state  
23 highway system as or a segment of a highway as a protected highway  
24 along which a billboard may not be relocated.

25 Sec. 398.004. RULES. The department shall adopt rules for  
26 the administration and enforcement of this chapter.

27 Sec. 398.005. CIVIL PENALTY. (a) A person who violates

1 Section 398.002 is liable to the state for a civil penalty of not  
2 less than \$500 or more than \$1,000 for each violation, depending on  
3 the seriousness of the violation. A separate penalty may be  
4 collected for each day a continuing violation occurs.

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

10 (c) A civil penalty collected by the attorney general under  
11 this section shall be deposited to the credit of the state highway  
12 fund to be used only for landscaping along highways. A civil  
13 penalty collected in a suit brought by a county or district attorney  
14 or by a municipal attorney under this section shall be equally  
15 divided between this state and the applicable county or  
16 municipality, with this state's portion of the penalty collected to  
17 be deposited to the credit of the state highway fund to be used only  
18 for landscaping highways.

19 SECTION 8. Subchapter I, Chapter 391, Transportation Code,  
20 is repealed.

21 SECTION 9. (a) This Act takes effect immediately if it  
22 receives a vote of two-thirds of all the members elected to each  
23 house, as provided by Section 39, Article III, Texas Constitution.  
24 If this Act does not receive the vote necessary for immediate  
25 effect, this Act takes effect September 1, 2003.

26 (b) This Act applies only to a billboard for which an  
27 application for a permit or license has not been submitted to the

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1 Texas Transportation Commission or a municipality before the  
2 effective date of this Act.