

By: Hilderbran

H.B. No. 2207

Substitute the following for H.B. No. 2207:

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C.S.H.B. No. 2207

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of outdoor advertising.

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

SECTION 1. The heading of Section 391.033, Transportation Code, is amended to read as follows:

Sec. 391.033. ACQUISITION OF OUTDOOR ADVERTISING [~~BY COMMISSION~~].

SECTION 2. Section 391.033, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The commission may [~~purchase or~~] acquire by gift, purchase, agreement, exchange, or eminent domain outdoor advertising that is lawfully in existence on a highway in the interstate or primary system.

(c) Subject to federal and state regulations regarding access from the state highway system, if the department, a county, municipality, or other governmental entity, a public utility, or a quasi-governmental entity prevents the maintenance of existing outdoor advertising or requires that the maintenance of existing outdoor advertising be discontinued, the entity shall pay fair compensation. This subsection does not apply to an acquisition made for the state highway system.

SECTION 3. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0331 to read as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION.

(a) If any outdoor advertising use, structure, or permit may not be continued because of widening, construction, or reconstruction of a highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location in accordance with applicable administrative rules and policies of the department.

(b) Subject to federal and state regulations, any governmental entity, quasi-governmental entity, or public utility that acquires outdoor advertising by eminent domain or causes the need for the outdoor advertising to be relocated under this section shall pay the costs related to the acquisition or relocation.

(c) If a governmental entity prohibits the relocation of outdoor advertising as provided under this section, the governmental entity shall pay fair compensation.

SECTION 4. Section 391.034, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may remove outdoor advertising that is erected in violation of this chapter without payment of compensation to the owner or lessee.

SECTION 5. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.038 to read as follows:

Sec. 391.038. OBSTRUCTION OF VIEW AND READABILITY. (a) If the view and readability of outdoor advertising is obstructed in a manner that causes the advertising to no longer function as an effective method of advertisement due to a noise abatement or safety measure, a grade change, construction, an aesthetic

1 improvement made by an agency of this state, a directional sign, or  
2 widening along a highway, the owner of the sign may, subject to  
3 department rule:

4 (1) adjust the height of the sign; or

5 (2) relocate the sign to a location within 500 feet of  
6 its previous location.

7 (b) A county or municipality in which the outdoor  
8 advertising is located shall, if necessary, provide for the height  
9 adjustment or relocation by a special exception to any applicable  
10 zoning ordinance.

11 (c) Subject to department rule, the adjusted or relocated  
12 outdoor advertising may be erected to a height and angle to make it  
13 clearly visible to traffic on the main-traveled way of the highway  
14 and must be the same size as the previous sign.

15 SECTION 6. Section 391.181(a), Transportation Code, is  
16 amended to read as follows:

17 (a) The commission may acquire by gift, purchase,  
18 agreement, exchange, or condemnation any right or property interest  
19 that it considers necessary or convenient to implement this  
20 chapter.

21 SECTION 7. This Act takes effect September 1, 2003.