

By: Madla

S.B. No. 84

A BILL TO BE ENTITLED

AN ACT

relating to highway signs for certain businesses related to agriculture.

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

SECTION 1. Subchapter D, Chapter 391, Transportation Code, is amended by adding Section 391.097 to read as follows:

Sec. 391.097. MAJOR AGRICULTURAL INTEREST SIGN. (a) In this section:

(1) "Eligible rural highway" means a highway that:

(A) has noncontrolled access; and

(B) is outside the corporate limits of a municipality.

(2) "Major agricultural interest" means a farm, ranch, winery, nursery, greenhouse, or other facility that:

(A) sows or cultivates an agricultural product;

(B) devotes a minimum of five acres of land to the production of the agricultural product;

(C) markets the product on the premises as a retail sale of the product; and

(D) conducts public tours of the grounds or facilities.

(b) The department shall contract with an individual, firm, group, or association to erect and maintain agricultural interest signs.

1 (c) A contract under this section shall provide for:

2 (1) the assessment of fees to be paid to a contractor
3 by a commercial establishment of a major agricultural interest;

4 (2) remittance to the department of 10 percent of the
5 fees collected by the contractor; and

6 (3) regulation of the content, composition,
7 placement, erection, and maintenance of major agricultural
8 interest signs and supports on eligible rural highway
9 rights-of-way.

10 (d) To be eligible to have its name displayed on a major
11 agricultural interest sign, a major agricultural interest must:

12 (1) be located within five miles of an intersection
13 with an eligible rural highway; and

14 (2) provide additional directional signs at each
15 intersecting road that requires a turn if the major agricultural
16 interest is located two or more turns off of an eligible rural
17 highway.

18 (e) A major agricultural interest sign must:

19 (1) have a blue background with a white reflective
20 legend and border;

21 (2) not contain a corporate or trademark symbol; and

22 (3) not contain a message, symbol, or trademark that
23 resembles an official traffic control device.

24 (f) The commission shall adopt rules necessary to
25 administer and enforce this section.

26 (g) This section expires December 31, 2006.

27 SECTION 2. Sections 391.099(a)(1) and (3), Transportation

1 Code, as added by Section 9, S.B. 1137, Acts of the 79th
2 Legislature, Regular Session, 2005, are amended to read as follows:

3 (1) "Eligible facility" means a winery or a business
4 related to agriculture [~~or tourism~~], including a farm or[7] ranch,
5 [~~or other tourist activity,~~] that:

6 (A) derives a major portion of its income or
7 visitors during the normal business season from highway users not
8 residing in the area of the facility;

9 (B) complies with state and federal laws relating
10 to:

11 (i) provision of public accommodation
12 without regard to race, religion, color, age, sex, or national
13 origin; and

14 (ii) licensing and approval of service
15 facilities; and

16 (C) is located within the mile limitations
17 established under the Texas Manual on Uniform Traffic Control
18 Devices and the Manual on Uniform Traffic Control Devices issued by
19 the United States Department of Transportation, Federal Highway
20 Administration.

21 (3) "Tourist-oriented directional sign" means a sign
22 that identifies a particular winery or business related to
23 agriculture [~~or tourism~~], including a farm or[7] ranch, [~~or other~~
24 ~~tourist activity,~~] and identifies the type or nature of the winery
25 or business by use of an icon, symbol, or other identifying device.

26 SECTION 3. This Act takes effect November 1, 2005.