

By: Phillips

H.B. No. 50

A BILL TO BE ENTITLED

1 AN ACT

2 relating to highway signs for certain businesses related to
3 agriculture.

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

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

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

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

10 (A) has noncontrolled access; and

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

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

15 (A) sows or cultivates an agricultural product;

16 (B) devotes a minimum of five acres of land to the
17 production of the agricultural product or produces wine or other
18 finished agricultural products on the grounds or facilities toured
19 as required by Paragraph (D);

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

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

24 (b) The department shall contract with an individual, firm,

1 group, or association to erect and maintain agricultural interest
2 signs.

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

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

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

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

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

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

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

20 (e) A major agricultural interest sign must:

21 (1) have a blue background with a white reflective
22 legend and border;

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

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

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

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

2 SECTION 2. Sections 391.099(a)(1) and (3), Transportation
3 Code, as added by Section 9, S.B. 1137, Acts of the 79th
4 Legislature, Regular Session, 2005, are amended to read as follows:

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

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

11 (B) complies with state and federal laws relating
12 to:

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

16 (ii) licensing and approval of service
17 facilities; and

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

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

1 SECTION 3. Notwithstanding the expiration of Section
2 391.097, Transportation Code, on December 31, 2006, the contractor
3 or commercial establishment of a major agricultural interest may
4 continue to maintain a major agricultural interest sign erected
5 under that section before that date, if the contractor or
6 commercial establishment maintains standards established by the
7 Texas Department of Transportation for highway signs.

8 SECTION 4. This Act takes effect December 1, 2005.