

BILL ANALYSIS

Senate Research Center
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S.B. 111
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texas cities have ordinances prohibiting the erection of new off-premise signs—billboards. When a highway is expanded to take in land occupied by a billboard, the billboard owner may attempt to relocate the billboard elsewhere (at no cost to the government), but instead of allowing the billboard to be relocated, the city will condemn the existing billboard and prohibit erection of a new one. A city has no incentive to consider relocation because the state, not the city, must pay a significant amount to compensate the owner for the condemned billboard.

This bill contains a provision for the ownership rights of an off-premise sign to vest in the owner of that sign, not in the owner of the land beneath or surrounding the sign. This is currently municipal law in Dallas, Houston, San Antonio, and other metropolitan areas throughout the state. However, some areas, such as Austin, do not vest property rights in the billboard owner, and instead vest rights in the landowner.

As proposed, S.B. 111 requires the city to pay the costs associated with condemnation of a billboard. This bill also creates a uniform standard for Texas stating that rights associated with an off-premise sign vest with the owner of the sign rather than the owner of the land on which the sign is located.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.0331, as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION. (a) Entitles an owner of outdoor advertising to certain relocation options if the owner's use, structure, or permit may not be continued because of highway modification.

(b) Requires the advertising to be relocated to a permitted area under Section 391.031 (Unlawful Outdoor Advertising; Offense).

(c) Requires the county or municipality to provide for the relocation by a special exception to any applicable zoning ordinance if necessary.

(d) Sets forth the specific guidelines authorized for a relocated use or structure.

(e) Requires the entity that causes the relocation to pay the costs related to the acquisition or relocation.

(f) Requires a governmental entity to pay just compensation if relocation is prohibited.

SECTION 2. Amends Subchapter B, Chapter 391, Transportation Code, by adding Section 391.038, as follows:

Sec. 391.038. OBSTRUCTION OF VIEW AND READABILITY. (a) Authorizes an outdoor advertising owner to take certain actions if the view and readability of the advertising is obstructed due to certain circumstances.

(b) Requires a county or municipality to provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance if necessary.

(c) Authorizes the adjusted or relocated advertising to be erected to a height and angle that makes it clearly visible to certain traffic. Requires the adjusted or relocated advertising to be the same size as the previous sign.

SECTION 3. Amends Subtitle H, Title 6, Transportation Code, by adding Chapter 398, as follows:

CHAPTER 398. PROVISIONS GENERALLY APPLICABLE TO OUTDOOR SIGNS

Sec. 398.001. DEFINITION. Defines "off-premise sign."

Sec. 398.002. RIGHTS OF OWNER OF CERTAIN SIGNS. Provides that the rights associated with an off-premise sign that is lawfully in existence but no longer complies with current applicable laws and regulations, including laws and regulations promulgated under Chapters 391 (Highway Beautification on Interstate and Primary Systems and Certain Roads) and 394 (Regulation of Outdoor Signs on Rural Roads) of this code, and Chapter 216 (Regulation of Signs by Municipalities), Local Government Code, vest in the owner of the off-premise sign.

SECTION 4. Effective date: September 1, 2007.