

By: Carona

S.B. No. 111

A BILL TO BE ENTITLED

AN ACT

relating to removal or reconstruction of certain outdoor advertising.

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

SECTION 1. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0335 to read as follows:

Sec. 391.0335. COSTS FOR REMOVAL OF CERTAIN OUTDOOR ADVERTISING WITHIN A MUNICIPALITY. (a) This section applies only to outdoor advertising that is within a municipality or the extraterritorial jurisdiction of a municipality.

(b) If outdoor advertising is required to be removed because of the widening, construction, or reconstruction of a part of the state highway system and if relocation of the outdoor advertising would be allowed under the rules of the commission but is prohibited by the charter or an ordinance or decision of a municipality, the liability of the department relating to the removal of the outdoor advertising is limited to the amount that the department would have been required to pay if the outdoor advertising had been relocated in accordance with rules of the commission.

(c) A municipality that prohibits the relocation of outdoor advertising as described by Subsection (b) is liable for the difference between the amount of the just compensation required for the removal of the outdoor advertising and the amount for which the department is liable under Subsection (b).

1 SECTION 2. Subchapter B, Chapter 391, Transportation Code,
2 is amended by adding Section 391.0331 to read as follows:

3 Sec. 391.0331. OBSTRUCTION OF VISIBILITY. (a) If the
4 visibility of outdoor advertising is obstructed due to a noise
5 abatement or safety measure, a grade change, construction, a
6 directional sign, or widening along a highway, the owner of the sign
7 may, if the sign conforms to state regulations, raise or lower the
8 height of the sign to make the sign clearly visible from the
9 main-traveled way; provided, however, that the height of the sign
10 shall be subject to the approval of the department with regard to
11 safety compliance.

12 (b) All expenses and costs under this section shall be borne
13 by the sign owner.

14 (c) Nothing in this section shall be construed as granting
15 any property rights, and nothing in this section shall be construed
16 as altering or affecting the property rights of a party in eminent
17 domain proceedings.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.