

By: Carona

S.B. No. 111

Substitute the following for S.B. No. 111:

By: Swinford

C.S.S.B. No. 111

A BILL TO BE ENTITLED

AN ACT

relating to the 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 Sections 391.0331 and 391.0332 to read as follows:

Sec. 391.0331. COSTS FOR REMOVAL OF CERTAIN OUTDOOR ADVERTISING WITHIN MUNICIPALITY. (a) 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 charter or ordinance or the 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 the rules of the commission.

(b) A municipality that prohibits the relocation of outdoor advertising as described by Subsection (a) 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 (a).

Sec. 391.0332. OBSTRUCTION OF VISIBILITY. (a) If the

1 visibility of outdoor advertising is obstructed due to a noise
2 abatement or safety measure, a grade change, construction, a
3 directional sign, or widening along a highway, the owner of the sign
4 may raise or lower the height of the sign to make the sign clearly
5 visible from the main-traveled way provided that:

6 (1) the sign conforms to state regulations; and

7 (2) the department approves the height of the sign
8 with regard to safety compliance.

9 (b) The owner of the sign is responsible for all expenses
10 and costs incurred under this section.

11 (c) Nothing in this section shall be construed as granting
12 any property rights or altering or affecting the property rights of
13 a party in eminent domain proceedings.

14 SECTION 2. Section 216.003, Local Government Code, is
15 amended by adding Subsection (g) to read as follows:

16 (g) A municipality may not allow a nonconforming
17 off-premise sign to be replaced with another off-premise sign by a
18 person other than the owner of the sign or a contractor employed by
19 the owner of the sign.

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