

By: Carona

S.B. No. 111

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of owners of 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 391.0331 to read as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION.

(a) If any outdoor advertising use, structure, or permit may not be continued because of widening, construction, or reconstruction of a highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location:

(1) on the same property;

(2) on adjacent property;

(3) on the same highway not more than one mile from the previous location; or

(4) if the outdoor advertising is within a municipality or the extraterritorial jurisdiction of a municipality, within that municipality or its extraterritorial jurisdiction.

(b) Relocation under this section shall be to a location where outdoor advertising is permitted under Section 391.031.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation by a special exception to any applicable zoning ordinance.

(d) The relocated use or structure may be:

1 (1) erected to a height and angle to make it clearly
2 visible to traffic on the main-traveled way of the highway to which
3 it is relocated;

4 (2) the same size and at least the same height as the
5 previous use or structure, but not exceeding any size and height
6 rule established under this subtitle; and

7 (3) relocated to a location with a comparable
8 vehicular traffic count.

9 (e) Any governmental entity, quasi-governmental entity, or
10 public utility that acquires outdoor advertising by eminent domain
11 or causes the need for the outdoor advertising to be relocated under
12 this section shall pay the costs related to the acquisition or
13 relocation.

14 (f) If a governmental entity prohibits the relocation of
15 outdoor advertising as provided under this section, the
16 governmental entity shall pay just compensation as provided in
17 Section 391.033.

18 SECTION 2. Subchapter B, Chapter 391, Transportation Code,
19 is amended by adding Section 391.038 to read as follows:

20 Sec. 391.038. OBSTRUCTION OF VIEW AND READABILITY. (a) If
21 the view and readability of outdoor advertising is obstructed due
22 to a noise abatement or safety measure, a grade change,
23 construction, an aesthetic improvement made by an agency of this
24 state, a directional sign, or widening along a highway, the owner of
25 the sign may:

26 (1) adjust the height of the sign; or

27 (2) relocate the sign to a location within 500 feet of

1 its previous location, if the sign complies with the spacing
2 requirements under this chapter and is in a location in which
3 outdoor advertising is permitted under Section 391.031.

4 (b) A county or municipality in which the outdoor
5 advertising is located shall, if necessary, provide for the height
6 adjustment or relocation by a special exception to any applicable
7 zoning ordinance.

8 (c) Notwithstanding any height requirements established
9 under this subtitle, the adjusted or relocated outdoor advertising
10 may be erected to a height and angle to make it clearly visible to
11 traffic on the main-traveled way of the highway and must be the same
12 size as the previous sign.

13 SECTION 3. Subtitle H, Title 6, Transportation Code, is
14 amended by adding Chapter 398 to read as follows:

15 CHAPTER 398. PROVISIONS GENERALLY APPLICABLE TO OUTDOOR SIGNS

16 Sec. 398.001. DEFINITION. In this chapter, "off-premise
17 sign" means an outdoor sign displaying advertising that pertains to
18 a business, person, organization, activity, event, place, service,
19 or product not principally located or primarily manufactured or
20 sold on the premises on which the sign is located.

21 Sec. 398.002. RIGHTS OF OWNER OF CERTAIN SIGNS. The rights
22 associated with an off-premise sign that is lawfully in existence
23 but no longer complies with current applicable laws and
24 regulations, including laws and regulations promulgated under
25 Chapters 391 and 394 of this code, and Chapter 216, Local Government
26 Code, vest in the owner of the off-premise sign.

27 SECTION 4. This Act takes effect September 1, 2007.