

1-1 By: Carona S.B. No. 111
1-2 (In the Senate - Filed November 14, 2006; January 29, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 27, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; March 27, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 111 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to removal or reconstruction of certain outdoor
1-11 advertising.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 391, Transportation Code,
1-14 is amended by adding Section 391.0335 to read as follows:

1-15 Sec. 391.0335. COSTS FOR REMOVAL OF CERTAIN OUTDOOR
1-16 ADVERTISING WITHIN A MUNICIPALITY. (a) This section applies only
1-17 to outdoor advertising that is within a municipality or the
1-18 extraterritorial jurisdiction of a municipality.

1-19 (b) If outdoor advertising is required to be removed because
1-20 of the widening, construction, or reconstruction of a part of the
1-21 state highway system and if relocation of the outdoor advertising
1-22 would be allowed under the rules of the commission but is prohibited
1-23 by the charter or an ordinance or decision of a municipality, the
1-24 liability of the department relating to the removal of the outdoor
1-25 advertising is limited to the amount that the department would have
1-26 been required to pay if the outdoor advertising had been relocated
1-27 in accordance with rules of the commission.

1-28 (c) A municipality that prohibits the relocation of outdoor
1-29 advertising as described by Subsection (b) is liable for the
1-30 difference between the amount of the just compensation required for
1-31 the removal of the outdoor advertising and the amount for which the
1-32 department is liable under Subsection (b).

1-33 SECTION 2. Subchapter B, Chapter 391, Transportation Code,
1-34 is amended by adding Section 391.0331 to read as follows:

1-35 Sec. 391.0331. OBSTRUCTION OF VISIBILITY. (a) If the
1-36 visibility of outdoor advertising is obstructed due to a noise
1-37 abatement or safety measure, a grade change, construction, a
1-38 directional sign, or widening along a highway, the owner of the sign
1-39 may, if the sign conforms to state regulations, raise or lower the
1-40 height of the sign to make the sign clearly visible from the
1-41 main-traveled way; provided, however, that the height of the sign
1-42 shall be subject to the approval of the department with regard to
1-43 safety compliance.

1-44 (b) All expenses and costs under this section shall be borne
1-45 by the sign owner.

1-46 (c) Nothing in this section shall be construed as granting
1-47 any property rights, and nothing in this section shall be construed
1-48 as altering or affecting the property rights of a party in eminent
1-49 domain proceedings.

1-50 SECTION 3. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2007.

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