

By: Zaffirini

S.B. No. 384

A BILL TO BE ENTITLED

AN ACT

relating to erecting an off-premise sign adjacent to and visible from certain roads.

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

SECTION 1. Subsection (a), Section 391.252, Transportation Code, as amended by Chapters 281, 352, 405, 796, 903, 983, 1046, and 1353, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) A person may not erect an off-premise sign that is adjacent to and visible from:

(1) U.S. Highway 290 between the western city limits of the city of Austin and the eastern city limits of the city of Fredericksburg;

(2) State Highway 317 between the northern city limits of the city of Belton to the southern city limits of the city of Valley Mills;

(3) State Highway 16 between the northern city limits of the city of Kerrville and Interstate Highway 20;

(4) U.S. Highway 77 between State Highway 186 and State Highway 44;

~~(5) [U.S. Highway 281 between State Highway 186 and Interstate Highway 37, exclusive of the segment of U.S. Highway 281 located in the city limits of Three Rivers,~~

~~(5)]~~ U.S. Highway 281 between:

1 (A) State Highway 186 and Interstate Highway 37;  
2 and

3 (B) the southern boundary line of Comal County  
4 and State Highway 306;

5 (6) State Highway 17 between State Highway 118 and  
6 U.S. Highway 90;

7 (7) State Highway 67 between U.S. Highway 90 and  
8 Farm-to-Market Road 170;

9 (8) Farm-to-Market Road 170 between State Highway 67  
10 and State Highway 118;

11 (9) State Highway 118 between Farm-to-Market Road 170  
12 and State Highway 17;

13 (10) State Highway 105 between the western city limits  
14 of the city of Sour Lake to the eastern city limits of the city of  
15 Cleveland;

16 (11) State Highway 73 between the eastern city limits  
17 of the city of Winnie to the western city limits of the city of Port  
18 Arthur;

19 (12) State Highway 21 between the southern city limits  
20 of the city of College Station and U.S. Highway 290;

21 (13) a highway located in:

22 (A) the Sabine National Forest;

23 (B) the Davy Crockett National Forest; or

24 (C) the Sam Houston National Forest; [~~or~~]

25 (14) Segments 1 through 4 of State Highway 130;

26 (15) [~~(14)~~] a highway in Bandera County that is part  
27 of the state highway system;

1           (16) [~~(14)~~] Farm-to-Market Road 3238 beginning at  
2 State Highway 71 and any extension of that road through Hays and  
3 Blanco Counties;

4           (17) [~~(14)~~] Farm-to-Market Road 2978 between  
5 Farm-to-Market Road 1488 and the boundary line between Harris and  
6 Montgomery Counties;

7           (18) U.S. [~~(14) State~~] Highway 90 between the western  
8 city limits of the city of San Antonio and the eastern city limits  
9 of the city of Hondo.

10           SECTION 2. This Act takes effect September 1, 2007.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 384 by striking Section 2 (effective date provisions) and substituting the following:

SECTION 2. APPLICABILITY. A landowner to whom a notice is mailed by the county clerk as provided by Section 3(b) of this Act may exclude the landowner's property from the application of Section 1 of this Act by notifying the Texas Department of Transportation in writing, by certified mail. In order for the landowner's property to be excluded from the application of Section 1 of this Act, the landowner's notice must be received by the Texas Department of Transportation within one year of the date the Texas Department of Transportation receives notification from all appropriate county clerks that notices were mailed to landowners as provided in Section 3(b) of this Act. The exclusion of the landowner from the application of Section 1 of this Act becomes effective on the date the landowner's notice is received by the Texas Department of Transportation.

SECTION 3. EFFECTIVE DATE. (a) Except as otherwise provided by this section, this Act takes effect on September 1, 2007.

(b) Before Section 1 of this Act can become effective, the county clerk of the county or counties in which a segment of public road affected by this Act is located must send a written notice, by certified mail, to each landowner who owns real property, according to the most recent certified tax appraisal roll, along a segment of public road affected by this Act. The notice shall also be published in a newspaper of general circulation in the county or

1 counties in which a segment of public road affected by this Act is  
2 located. The notice shall identify the segment of public road  
3 affected by this Act and state that the landowner's future right to  
4 lease the landowner's property for the purpose of erecting an  
5 off-premise sign will be terminated unless the landowner notifies  
6 the Texas Department of Transportation that the landowner plans to  
7 exclude the landowner's property from the application of the Act.  
8 The notice must be sent to landowners and published by the  
9 appropriate county clerk or clerks in accordance with this  
10 subsection within 45 days of the effective date of this Act. The  
11 appropriate county clerk or clerks shall notify the Texas  
12 Department of Transportation in writing, by certified mail, when  
13 the notice is mailed to the landowners and published in accordance  
14 with this subsection. The notice provided to the Texas Department  
15 of Transportation by a county clerk is public information for the  
16 purposes of Chapter 552, Government Code, and must include the  
17 following information:

18 (1) the affidavit of the publisher of the newspaper  
19 notice indicating the date the notice was published, accompanied by  
20 a printed copy of the notice as published; and

21 (2) the affidavit of the county clerk certifying the  
22 date notice was mailed to the landowners, accompanied by a copy of  
23 the notice and a list of the landowners to whom the notice was  
24 mailed.

