

By: Kuempel

H.B. No. 2956

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of outdoor advertising by the Texas Department of Transportation; creating an offense.

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

SECTION 1. Section 216.003(a), Local Government Code, is amended to read as follows:

(a) Subject to the requirements of this subchapter, a municipality may require the relocation, reconstruction, or removal of any sign within its corporate limits [~~or extraterritorial jurisdiction~~].

SECTION 2. Section 216.004(a), Local Government Code, is amended to read as follows:

(a) If a municipality requires the relocation, reconstruction, or removal of a sign within its corporate limits [~~or extraterritorial jurisdiction~~], the presiding officer of the governing body of the municipality shall appoint a municipal board on sign control. The board must be composed of:

(1) two real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program;

(2) one person engaged in the sign business in the municipality;

1 (3) one employee of the Texas Department of
2 Transportation who is familiar with real estate valuations in
3 eminent domain proceedings; and

4 (4) one architect or landscape architect licensed by
5 this state.

6 SECTION 3. Section 216.015(a), Local Government Code, is
7 amended to read as follows:

8 (a) The legislature declares that it would not have enacted
9 the following without the inclusion of Section 216.010(a), to the
10 extent that provision excludes methods of compensation not
11 specifically authorized by that provision:

12 (1) this subchapter;

13 (2) [~~Section 216.902,~~

14 ~~(3)] Article 2, Chapter 221, Acts of the 69th
15 Legislature, Regular Session, 1985 (codified as Chapter 394,
16 Transportation Code); and~~

17 (3) [~~(4)] the amendments made to Section 3, Property
18 Redevelopment and Tax Abatement Act (codified as Chapter 312, Tax
19 Code) by Article 4, Chapter 221, Acts of the 69th Legislature,
20 Regular Session, 1985.~~

21 SECTION 4. Section 391.031, Transportation Code, is amended
22 by adding Subsection (a-1) to read as follows:

23 (a-1) A person commits an offense if the person erects or
24 maintains outdoor advertising, or allows outdoor advertising to be
25 erected or maintained on property owned by the person, that is
26 higher than 65 feet, excluding a cutout that extends above the
27 rectangular border, measured from the highest point on the sign to

1 the grade level of the road from which the sign is viewed.

2 SECTION 5. Section 391.252(b), Transportation Code, is
3 amended to read as follows:

4 (b) This section does not affect the ability of a
5 municipality to regulate a sign located on the portion of a roadway
6 listed in Subsection (a) that is within the corporate limits [~~or~~
7 ~~extraterritorial jurisdiction~~] of the municipality in accordance
8 with Chapter 216, Local Government Code.

9 SECTION 6. Section 394.002(b), Transportation Code, is
10 amended to read as follows:

11 (b) In this section, "rural road" means a road, street, way,
12 or bridge:

13 (1) that is located in an unincorporated area,
14 including the extraterritorial jurisdiction of a municipality;

15 (2) that is not privately owned or controlled;

16 (3) any part of which is open to the public for
17 vehicular traffic; and

18 (4) that is under the jurisdiction of this state or a
19 political subdivision of this state.

20 SECTION 7. Section 394.041(a), Transportation Code, is
21 amended to read as follows:

22 (a) An on-premise or off-premise sign may not be higher than
23 65 [~~42-1/2~~] feet, excluding a cutout that extends above the
24 rectangular border, measured from the highest point on the sign to
25 the grade level of the road from which the sign is viewed.

26 SECTION 8. Section 394.062, Transportation Code, is amended
27 to read as follows:

1 Sec. 394.062. CONFLICT WITH OTHER LAWS. [~~(a)~~] A county
2 prohibition or regulation adopted under Section 394.061 prevails
3 over a state law or rule if there is a conflict.

4 ~~[(b) A municipal sign ordinance that has been extended to
5 territory in the municipality's extraterritorial jurisdiction
6 under Section 216.902, Local Government Code, prevails in that
7 territory over a county prohibition or regulation adopted under
8 Section 394.061 if there is a conflict.]~~

9 SECTION 9. The following provisions of law are repealed:

- 10 (1) Article 4.11(c), Code of Criminal Procedure;
11 (2) Sections 26.045(f) and 27.031(c), Government
12 Code; and
13 (3) Sections 216.0035 and 216.902, Local Government
14 Code.

15 SECTION 10. The changes in law made to Section 391.031,
16 Transportation Code, by this Act apply only to outdoor advertising
17 erected on or after the effective date of this Act.

18 SECTION 11. This Act takes effect September 1, 2017.