

AN ACT

relating to outdoor advertising signs regulated by the Texas Department of Transportation.

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

SECTION 1. Section 391.038, Transportation Code, is amended to read as follows:

Sec. 391.038. SIGN HEIGHT. (a) Except as otherwise provided by this section, a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure [~~This section applies only to a sign existing on March 1, 2017, that was erected before that date~~].

(a-1) Subsection (a) does not apply to a sign regulated by a municipality certified for local control under an agreement with the department as provided by department rule.

(b) A sign existing on March 1, 2017, that was erected before that date [~~described by Subsection (a)~~] may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

1 (1) from the grade level of the centerline of the  
2 main-traveled way, not including a frontage road of a controlled  
3 access highway, closest to the sign at a point perpendicular to the  
4 sign location; or

5 (2) if the main-traveled way is below grade, from the  
6 base of the sign structure.

7 (c) A person who holds a permit for a sign existing on March  
8 1, 2017, that was erected before that date may rebuild the [a] sign  
9 [described by Subsection (a) without obtaining a new or amended  
10 permit from the department], provided that the sign is rebuilt at  
11 the same location where the sign existed on that date [March 1,  
12 2017, and] at a height that does not exceed the lesser of:

13 (1) the height of the sign on March 1, 2017; or

14 (2) 85 feet [that date].

15 (c-1) Except as provided by Subsection (c-2), before  
16 rebuilding a sign under Subsection (c), the person who holds the  
17 permit for the sign must obtain a new or amended permit if required  
18 by:

19 (1) a provision of this chapter; or

20 (2) a rule adopted to implement a provision of this  
21 chapter.

22 (c-2) Subsection (c-1) does not apply to the rebuilding of a  
23 sign under Subsection (c) if the person who holds the permit for the  
24 sign rebuilds because of damage to the sign caused by:

25 (1) wind or a natural disaster;

26 (2) a motor vehicle accident; or

27 (3) an act of God.

1 SECTION 2. Subchapter B, Chapter 391, Transportation Code,  
2 is amended by adding Section 391.0381 to read as follows:

3 Sec. 391.0381. VIOLATIONS BY CERTAIN PERSONS OF SIGN HEIGHT  
4 PROVISION: PERMIT DENIAL. (a) This section applies only to a  
5 person who has permits for 100 or more signs.

6 (b) If a sign for which a person has a permit violates  
7 Section 391.038 or a rule adopted to implement that section, the  
8 commission may, after notice and an opportunity for a hearing  
9 before the commission, deny an application for a permit requested  
10 by the person on or after the date of the violation.

11 (c) After notice and an opportunity for hearing before the  
12 commission, the commission may deny an application for a permit or  
13 permit renewal for a sign if another sign for which the person has a  
14 permit is in violation of Section 391.038. The commission is not  
15 required to issue a permit to or renew a permit of the person for a  
16 sign until all signs for which the person has a permit comply with  
17 Section 391.038.

18 SECTION 3. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 357 passed the Senate on March 25, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 21, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 357 passed the House, with amendments, on May 16, 2019, by the following vote: Yeas 116, Nays 17, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor