

By: Hughes

S.B. No. 898

A BILL TO BE ENTITLED

AN ACT

relating to the relocation, adjustment, and ownership of commercial and outdoor signs.

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

SECTION 1. Subchapter B, Chapter 391, Transportation Code, is amended by adding Sections 391.0331 and 391.037 to read as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION, PUBLIC INFRASTRUCTURE, OR PUBLIC IMPROVEMENT. (a) If a commercial sign use, structure, or permit may not be continued because of the widening, construction, or reconstruction of a highway, the installation, expansion, or construction of public infrastructure, or the undertaking of a public improvement project by a public improvement district, the owner of the commercial sign 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 commercial sign 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 a commercial sign is permitted under Section 391.031.

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

4        (d) Any governmental entity, quasi-governmental entity, or  
5 public utility that acquires a commercial sign by eminent domain or  
6 causes the need for the commercial sign to be relocated under this  
7 section shall pay the costs related to the acquisition or  
8 relocation.

9        Sec. 391.037. OBSTRUCTION OF VIEW AND READABILITY. (a) If  
10 the view and readability of a commercial sign are obstructed due to  
11 a noise abatement or safety measure, a grade change, vegetation,  
12 construction, an aesthetic improvement made by an agency of this  
13 state, a directional sign, or widening along a highway, the owner of  
14 the sign may:

15                (1) adjust the height of the sign; or  
16                (2) relocate the sign to a location within 500 feet of  
17 its previous location, if the sign complies with the spacing  
18 requirements under this chapter and is in a location in which a  
19 commercial sign is permitted under Section [391.031](#).

20        (b) A county or municipality in which the commercial sign is  
21 located shall, if necessary, provide for the height adjustment or  
22 relocation by a special exception to any applicable zoning  
23 ordinance.

24        (c) Notwithstanding any height requirements established  
25 under this subtitle, the adjusted or relocated commercial sign may  
26 be erected to a height and angle to make it clearly visible to  
27 traffic on the main-traveled way of the highway and must be the same

1 size as the previous sign.

2       SECTION 2. Subtitle H, Title 6, Transportation Code, is  
3 amended by adding Chapter 398 to read as follows:

4       CHAPTER 398. PROVISIONS GENERALLY APPLICABLE TO OUTDOOR SIGNS

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

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

16       SECTION 3. This Act takes effect September 1, 2023.