

Chapter 534

(Senate Bill 131)

AN ACT concerning

State Highways – Commercial Signs in Rights-of-Way – Penalties

FOR the purpose of increasing the maximum civil penalty applicable to a violation for affixing a commercial sign to a State highway sign, signal, or marker in the State highway right-of-way; clarifying certain language establishing a civil penalty for a violation of the prohibition against placing or maintaining commercial signs in a State highway right-of-way; and generally relating to penalties for unlawfully placing or maintaining commercial signs in State highway rights-of-way.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8–605

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Transportation

8–605.

(a) Along any State highway, the Administration may place signs, signals, or markers to inform the traveling public of directions, distances, danger, or other information.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall assume the full cost of installing and maintaining traffic signals required at the intersection of a State highway with any municipal street or highway or at any other place along a State highway that is within the limits of any municipal corporation.

(2) This subsection does not apply where the traffic signal primarily will serve traffic generated by a private development, such as an apartment complex, shopping center, industrial plant, or drive-in theater.

(c) Signs, signals, and markers placed along any interstate highway shall conform to all applicable federal standards.

(d) (1) For the purpose of providing information to the driving public on the availability of gas, food, lodging, camping, or attractions, the Administration may place

along State controlled access highways specific service signs, subject to the applicable federal standards.

(2) (i) The Administration shall adopt regulations governing specific service signs.

(ii) The regulations shall conform to all applicable federal standards, and shall govern the type, lighting, size, number, and location of specific service signs.

(iii) The Administration shall consult with:

1. The Maryland Travel Council prior to drafting regulations; and

2. The Department of Commerce and the appropriate local government officials concerning the placement of specific service signs under this subsection.

(3) The business or attraction identified in a specific service sign shall pay for the full administrative and operational cost of procurement, installation, and maintenance of the sign.

(e) Any person who removes, damages, or defaces any sign, signal, or marker placed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(f) (1) Except for a sign placed or maintained by the Administration or with the authorization of the Administration, a person may not place or maintain a sign or direct, consent to, or approve the placement or maintenance of a sign, within a State highway right-of-way.

(2) (i) Without resort to legal proceedings, a sign placed or maintained in violation of this subsection may be removed and destroyed by the Administration, a law enforcement officer, or the government of the county or municipal corporation in which the sign was located.

(ii) The Administration or the government of the county or municipal corporation that removed or destroyed the sign may, if the sign is a commercial sign:

1. Collect the civil penalty provided for under paragraph (3) of this subsection from the person that placed or maintained the commercial sign; and

2. Seek an injunction against further violations of this subsection in a civil action in the District Court.

(3) (i) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A person that places or maintains a commercial sign within the right-of-way of a State highway in violation of this subsection is subject to a civil penalty not exceeding \$25 per commercial sign **PLACED OR MAINTAINED**, which, if not paid after being cited and assessed by the Administration, county, or municipal corporation, may be recovered in a civil action in the District Court by the Administration or by the county or municipal corporation in which the commercial sign was located.

(ii) **A PERSON THAT VIOLATES THIS SUBSECTION BY AFFIXING A COMMERCIAL SIGN TO A STATE HIGHWAY SIGN, SIGNAL, OR MARKER WITHIN THE RIGHT-OF-WAY OF THE STATE HIGHWAY IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$100 PER COMMERCIAL SIGN AFFIXED.**

(iii) **(III)** As to a county or a municipal corporation in which the commercial sign was located, the civil action in the District Court may be brought by the county attorney or, if the commercial sign was located in a municipal corporation, the municipal corporation attorney.

[(iii)] (IV) The Administration, a county, or a municipal corporation:

1. May enforce this subsection only by the issuance of a warning for the first 3 months after initiating a sign removal program; and
2. Shall enforce this subsection on a viewpoint and content neutral basis.

(4) For the purposes of enforcing this subsection, the presence of a sign within a State highway right-of-way shall be evidence that the sign was placed or maintained at the direction of, or with the consent and approval of, the person or the person's agent or representative in the State whose name, business, location, or product representation is displayed on the sign.

(5) The Administration, a county, or a municipal corporation shall retain any civil penalties that it collects under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.