

## **BILL ANALYSIS**

S.B. 2006  
By: Watson  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that while the Texas Department of Transportation has the authority to regulate certain billboards erected near highways, recent court cases have raised significant questions regarding the scope of this authority as it relates to content-based restrictions of speech. S.B. 2006 seeks to bring clarity to the situation by revising the scope of regulation for certain outdoor signs.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 2006 amends the Transportation Code to replace references to outdoor advertising and off-premise signs with references to commercial signs in statutory provisions relating to highway beautification on interstate and primary systems. The bill defines "commercial sign" for such purposes as a sign that is intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, not including a sign that is leased to a business entity and located on the same property on which the business is located, but including a sign that is located on property owned or leased for the primary purpose of displaying a sign. The bill defines "sign" and revises the definition of "license" to reflect the updated definition of commercial sign and to include a license or permit issued under provisions relating to an off-premise sign. The bill replaces the authorization for the Texas Transportation Commission to adopt rules to implement specific provisions relating to a license and permit for outdoor advertising and the scope of the commission's responsibility with the authorization to adopt rules to implement general provisions applicable to highway beautification on interstate and primary systems and the regulation of commercial signs generally. The bill removes endangerment of the convenience of the traveling public as a condition that results from the erection or maintenance of a commercial sign in violation of provisions relating to highway beautification on interstate and primary systems. The bill repeals provisions relating to the definition of "outdoor advertising," a sign erected solely for and relating to a public election, the offense of unlawful outdoor advertising, outdoor advertising by certain county agricultural fairs, certain outdoor advertising without a license, and the definitions of "off-premise sign" and "advertising." The bill limits the commission's responsibility for the regulation of commercial signs to only on highways on the interstate and primary systems.

S.B. 2006 repeals the exemption from the application of an unlawful outdoor advertising offense

and instead exempts from the application of an unlawful commercial signs offense a person who erects or maintains a commercial sign located within 660 feet of the nearest edge of a right-of-way in an area in which the land use is designated industrial or commercial under authority of law or is consistent with an area so designated and who holds a permit issued by the Texas Department of Transportation for the sign.

S.B. 2006 repeals the following provisions of the Transportation Code:

- Section 391.001(10)
- Section 391.005
- Section 391.031(b)
- Section 391.037
- Section 391.061(c)
- Section 391.251

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.