

**SUBJECT:** Enforcement against illegal placement of outdoor signs on rural roads

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 6 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, West  
0 nays  
3 absent — Flores, Hamric, Hill

**WITNESSES:** For — Ann K. Anderson, E 1488 Community Association of Montgomery County; Yvonne Castillo, Texas Society of Architects; Becky Haskin, City of Fort Worth; Stan St. Pierre, Scenic Texas  
Against — None  
On — Tim Anderson, Texas Department of Transportation; Scott Norman, Texas Association of Builders; Lee Vela, Clear Channel Outdoor, Outdoor Advertising Association of Texas

**BACKGROUND:** Transportation Code, ch. 394, regulates the placement of outdoor signs on rural roads. The statute divides outdoor rural signs into two categories – off-premise and on-premise signs. On-premise signs are signs that are located on the property for which they advertise, while off-premise signs are defined as signs that are not located on the premises of the business they advertise. Sec. 394.021 requires that off-premise signs be permitted before they can legally be placed on rural roads. Sec. 394.081 assigns a civil penalty of between \$150 and \$1,000 for the illegal placement of off-premise signs in rural areas.

**DIGEST:** HB 599 would establish an offense not only to place off-premise signs but knowingly to permit the illegal placement of off-premise signs on one's property. A civil penalty of between \$500 and \$1,000 could be imposed for off-premise sign violations in rural areas. An additional fine could be collected for each day of continued violation.  
  
Property owners would receive written notice of the presence of an illegal off-premise sign on their property and have 45 days to remove the sign to avoid a penalty. If the owner failed to remove the sign within 45 days, an

injunction could be issued to require removal. The state would be entitled to recover all costs associated with removal of an illegal sign, including administrative and legal expenses incurred.

The off-premise sign restrictions would not apply to a temporary directional sign or kiosk erected by a political subdivision as part of a Texas Transportation Commission-approved program on a highway within the political subdivision's boundaries.

The bill would take effect on September 1, 2005.

**SUPPORTERS  
SAY:**

HB 599 would authorize the use of additional enforcement tools for the illegal placement of off-premise signs. Off-premise signs are aesthetically unappealing and disrupt the natural beauty of rural areas. Such unsightly additions to the landscape discourage tourism. Residents of areas plagued with these bandit signs have expressed their dissatisfaction with the enforcement of laws regulating the placement of signs. HB 599 would promote the beautification of the state and respect the rights of citizens that do not wish continually to be bombarded with illegal advertisements.

HB 599 would conserve state and county resources currently being directed toward the clean-up of such signs. The collection and disposal of the signs is costly to state and local government entities. HB 599 would help reduce the number of signs that need to be picked up by discouraging businesses from illegally placing them. The bill would not apply to the placement of temporary builder signs to model homes that have been approved by TxDOT.

The placement of bandit signs can pose a safety hazard to the public and to the workers charged with placing the signs. Trucks carrying bandit signs often stop in moving lanes for workers to place signs on the roadside. This endangers the lives of other motorists on the road and the worker that places the sign. Also, these signs distract motorists by diverting their attention from the road.

**OPPONENTS  
SAY:**

HB 599 unfairly would target individuals who may not have been involved in the illegal placement of advertising signs. Enforcement of the illegal placement of signs should be directed at parties that played a role in the violation, such as the individuals who illegally erect signs and those who have commissioned others to do so, rather than a property owner who has had unsolicited illegal signs placed on the owner's land.

Roadside signs are a valuable advertising tool for small businesses that cannot afford to purchase expensive advertising spaces like billboards. For many small businesses, the placement of roadside advertisements is the only way to attract enough customers to stay in business. HB 599 would be unnecessarily harsh on businesses that rely on roadside signs as advertising tools.

**NOTES:**

The committee substitute differs from the original bill by providing a 45-day grace period for property owners to remove illegal signs from their land before being held liable. The substitute also would provide exceptions for temporary directional signs authorized by TxDOT and added larger fines for repeat violators.

A related bill, HB 600 by Eissler, also has been set on the General State Calendar for April 20.