

- SUBJECT:** Enforcement against placement of illegal signs on public rights-of-way.
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 7 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Hamric, West
0 nays
2 absent — Flores, Hill
- WITNESSES:** For — Ann K. Anderson, E 1488 Community Association of Montgomery County; Captain Rick Brass, Constable Ron Hickman and Harris County Constable Department Precinct Four; Skip Cameron; 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:** Local Government Code, ch. 216, authorizes municipalities to regulate signs, and sec. 216.002 defines a sign to include any outdoor structure, display, plaque, billboard or other object designated to advertise or inform.

Transportation Code, ch. 392 makes it a class C misdemeanor (maximum penalty of \$500) to place signs on a state highway right-of-way unless authorized by state law. Ch. 393 creates the same offense for placing unauthorized signs on the right-of-way of any public road.
- DIGEST:** CSHB 600 would subject a person who allowed or commissioned the illegal placement of a sign on a public right-of-way to additional penalties. In addition to a criminal penalty, a civil penalty of between \$500 and \$1,000 could be imposed for each day of continued violation.

County, district and municipal attorneys could sue to collect civil penalties of between \$500 and \$1,000. The money from violators would be deposited in a municipal general fund or a county road and bridge fund.

HB 600 would give concurrent jurisdiction over violations that occur in unincorporated areas to both county and municipal courts. Justice and municipal courts would have concurrent jurisdiction in criminal cases arising under a municipal ordinance that applied to a city's extraterritorial jurisdiction.

Trained volunteers of a county commissioners court, in addition to a sheriff and a constable, could confiscate illegal signs. They could discard signs valued under \$25 without notice.

The additional enforcement tools included in the bill would not apply to temporary directional signs approved by TxDOT or to signs placed by a public utility on a public right-of-way.

The bill would take effect on September 1, 2005.

**SUPPORTERS
SAY:**

HB 600 would authorize more enforcement tools for the illegal placement of signs on public rights-of-way. It would expand the number of violators who could be held legally responsible for the erection of bandit signs. Current law only allows for law enforcement to prosecute only those who have been seen erecting the signs. It is rarely the case that someone is seen in the process of placing a sign. In addition, the person placing the sign often is a minimum wage worker. Business owners should share the responsibility for bandit signs that they commission employees to place illegally.

HB 600 would conserve valuable state and county financial resources that are now being directed toward the clean-up of bandit signs. The collection and disposal of bandit signs is costly to state and local governments. HB 600 would reduce the number of signs that need to be picked up by discouraging businesses from allowing them to be placed illegally.

Bandit signs are aesthetically unappealing, disrupt the natural beauty of the state, and discourage tourism. Residents of areas plagued with these signs are dissatisfied with the enforcement of laws regulating the placement of signs. HB 600 would promote the beautification of the state and respect the rights of citizens who do not wish continually to be bombarded with illegal advertisements.

Lack of enforcement harms honest businesses that advertise legally. Some advertisers employ illicit tactics to skirt the law, including the use of unlisted phone numbers and website addresses on their signs to avoid

being caught by law enforcement. HB 600 would encourage good advertising practices.

The bill would empower the attorney general, district attorneys, and county attorneys to work together to enforce the sign laws. Giving jurisdiction to counties in addition to municipalities would reduce the burden of county constables having to drive to municipal courts to testify in cases that arise in cities.

Placement of illegal 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 workers that place the signs. The signs also distract motorists by diverting their attention from the road.

OPPONENTS
SAY:

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 600 would be unnecessarily harsh on businesses that rely on roadside signs as advertising tools.

OTHER
OPPONENTS
SAY:

The more stringent enforcement tools contained in HB 600 would not deter violators. A civil penalty of between \$500 and \$1,000 is a risk that many businesses would take, given the effectiveness of roadside signs as advertising tools. It would be a small price for a violator to pay to ensure the viability of a business.

NOTES:

The committee substitute differs from original by providing exceptions for temporary directional signs authorized by TxDOT and signs placed by public utilities. The substitute also would allow volunteers to dispose of inexpensive illegal signs and further specifies which parties would be held responsible for the placement of illegal signs on public rights-of-way.

A related bill, HB 599 by Eissler, also has been set on today's General State Calendar.

