

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2944
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This state and political subdivisions of this state have concurrent regulatory authority over signs. Under current law, the Texas Department of Transportation issues state permits for off-premise advertising signs, without regard to whether the sign is legal under the local jurisdiction's regulation. A number of sign companies have used the state permit as sole authority to erect signs that also require a municipal permit. Such signs are in violation of a municipality's sign regulation and are thus in violation of the law. These illegal signs have led to diminished quality of life in communities, visual blight, and negative impacts on regional economic development efforts.

C.S.H.B. 2944 prevents this violation of applicable municipal sign regulations by requiring that a municipal permit be obtained before seeking the state permit for an off-premise sign in a municipality with a population of more than 1.9 million.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 391.068, Transportation Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

(a) Provides an exception as provided by Subsection (d).

(d) Authorizes the Texas Transportation Commission (commission), if the outdoor advertising is located within the jurisdiction of a municipality with a population of more than 1.9 million that is exercising its authority to regulate outdoor advertising, to issue a permit for outdoor advertising under this section (Issuance of Permit) only if the municipality has not acted to prohibit new outdoor advertising within the jurisdiction of the municipality and has issued a permit authorizing the outdoor advertising, in addition to the requirements of Subsection (a).

(e) Provides that Subsection (d) does not apply to the relocation of outdoor advertising to another location if the construction, reconstruction, or expansion of a highway requires the removal of the outdoor advertising.

SECTION 2. Amends Section 394.021, Transportation Code, by adding Subsection (c) to prohibit the commission, if the off-premise sign is located within the jurisdiction of a municipality with a population of more than 1.9 million that is exercising its authority to regulate off-premise signs, from issuing a permit for an off-premise sign under this section (Permit) if the municipality has acted to prohibit new off-premise signs within the jurisdiction of the municipality.

SECTION 3. Amends Section 394.022, Transportation Code, as follows:

Sec. 394.022. ISSUANCE OF PERMIT. (a) Creates this subsection from existing text. Requires the commission to issue a permit to a person whose application complies with commission rule; whose sign, if erected, would comply with the requirements of this

chapter (Regulation of Outdoor Signs on Rural Roads); and who, if the off-premise sign is located within the jurisdiction of a municipality with a population of more than 1.9 million that is exercising its authority to regulate off-premise signs, has obtained a permit for the off-premise sign.

(b) Provides that Subsection (a)(3) does not apply to the relocation of an off-premise sign to another location if the construction, reconstruction, or expansion of a highway requires the removal of the off-premise sign.

SECTION 4. Effective date: September 1, 2007.