

TRANSPORTATION CODE

CHAPTER 395. OUTDOOR SIGNS AND MOTORIST INFORMATION PANELS ON TOLL
ROADS IN CERTAIN COUNTIES

SUBCHAPTER A. REGULATION OF OUTDOOR SIGNS BY TOLL ROAD AUTHORITY

Sec. 395.001. APPLICATION OF SUBCHAPTER. (a) This subchapter applies only to:

- (1) the governing body of a toll road authority:
 - (A) in which a county with a population of 3.3 million or more is located; or
 - (B) that is adjacent to a county with a population of 3.3 million or more and in which a municipality with a population of more than 60,000 is located; and

(2) an outdoor sign.

(b) Chapter 393 does not apply to the placement of a sign to which this subchapter applies.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2005, 79th Leg., ch. 281, Sec. 2.79, eff. June 14, 2005.

Sec. 395.002. DEFINITIONS. In this subchapter:

(1) "Governing body" includes only the governing body of a toll road authority.

(2) "Sign" means a display, light, device, figure, painting, drawing, message, plaque, poster, or other thing designed or used to advertise or inform.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.003. REGULATION OF SIGNS. The governing body of a toll road authority may adopt rules to license, regulate, or prohibit the placement of a sign visible from the main-traveled way of a toll road in the authority and erected for the purpose of having the message seen from the main-traveled way if the authority determines the rules are necessary to restore, preserve, or enhance the scenic beauty of the property within view of the road.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.004. MUNICIPAL ORDINANCES. (a) If the governing body adopts a rule under this subchapter that applies to a sign on property located in the territory of a municipality that has adopted an ordinance regulating the placement of a sign on the property, the rule must be at least as stringent as the ordinance.

(b) This subchapter does not affect the authority of a municipality to adopt an ordinance regulating the placement of a sign within the view of a toll road located in the territory of the municipality.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.005. COMPENSATION FOR SIGNS. (a) If the governing body requires the removal of a sign:

(1) the owner of the sign is entitled to compensation for the cash value for the tangible physical property constituting the sign structure; and

(2) the owner of the real property on which the sign is located is entitled to compensation for the decrease in the value of the real property.

(b) Compensation under this section is determined under the standards and procedures applicable to a proceeding under Chapter 21, Property Code.

(c) The governing body may use only a method or a combination of methods described by this subchapter to pay compensation.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.006. TAX ABATEMENT. (a) The governing body, with the approval of the commissioners court and in accordance with Chapter 312, Tax Code, may abate county property taxes owed by the owner of a sign to be removed.

(b) The governing body may declare an area to be a reinvestment zone for the purpose of abating property taxes under this section if the area encompasses a sign to be removed.

(c) The governing body may abate taxes on any real or personal property in the county that is owned by the owner of the sign, except residential property.

(d) The holder of a right of tax abatement may assign the right. An assignee may use the right of tax abatement on any nonresidential property in the county.

(e) In a county in which tax abatement is used to pay compensation under this subchapter, the compensation must include reasonable interest.

(f) A tax abatement period may not exceed five years.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.007. SIGN ABATEMENT AND BEAUTIFICATION FUND. (a) The governing body may deposit all or part of the county property tax paid on a sign, on the real property on which a sign is located, or on other real or personal property owned by the owner of a sign to the credit of a sign abatement and community beautification fund in the county treasury.

(b) The governing body may use money in the fund to compensate the owner of a sign required to be removed under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.008. SIGN ABATEMENT REVENUE BONDS. (a) The governing body may issue sign abatement revenue bonds.

(b) The governing body may use the proceeds from the bonds only to compensate the owner of a sign required to be removed under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.009. CASH. The governing body may pay compensation in cash.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.010. PENALTY. (a) A person commits an offense if the person violates a rule adopted under this subchapter that defines an offense.

(b) An offense under this section is a Class C misdemeanor. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER B. TOLL ROAD INFORMATIONAL SIGNS

Sec. 395.051. APPLICATION OF SUBCHAPTER. (a) This subchapter applies only to a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million in which a municipality with a population of more than 60,000 is located.

(b) Chapter 393 does not apply to the placement of a panel or sign to which this subchapter applies.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 136, eff. Sept. 1, 2001; Acts 2005, 79th Leg., ch. 281, Sec. 2.80, eff. June 14, 2005.

Sec. 395.052. DEFINITIONS. In this subchapter:

(1) "Business sign" means a sign that contains the brand, trademark, name, or logo of a qualified business.

(2) "Motorist information panel" means a rectangular panel placed on a highway that contains at least one business sign advertising a business available within a certain distance of that interchange.

(3) "Qualified business" means a business that meets the requirements of rules adopted by the commissioners court of a county under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.053. ERECTION OF MOTORIST INFORMATION PANELS. (a) Except as provided by Subsection (b), the commissioners court of a county by order may erect and maintain motorist information panels in a right-of-way along a toll road in the county.

(b) The commissioners court may not erect a motorist information panel in an area that does not have a qualified business.

(c) The county must erect each panel on and below the exit identification sign preceding the exit direction sign at an interchange.

(d) The county may erect more than one panel for each interchange.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.054. REGULATION OF BUSINESS SIGNS. (a) The commissioners court may adopt orders for administration of this subchapter.

(b) The commissioners court by order shall provide for:

(1) spacing requirements between signs;
(2) height and face restrictions for the total panel area; and

(3) size and face restrictions for each business sign on a motorist information panel.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.055. APPLICATION FOR BUSINESS SIGN ON PANEL. (a) The commissioners court by order shall specify:

(1) the time and manner of applying for a business sign on a motorist information panel;

(2) the form of and required information for an application; and

(3) a reasonable annual fee for each business sign on the panel.

(b) To advertise on a motorist information panel, a person must apply to the commissioners court. The person shall comply with each order adopted by the commissioners court regarding business signs.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.056. ACCOUNT. (a) The commissioners court shall deposit money received under this subchapter to the credit of an account in the county general fund.

(b) The commissioners court may use money in the account only to erect, maintain, or regulate motorist information panels.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.057. REGULATION BY TOLL ROAD AUTHORITY. A toll road authority may not regulate a motorist information panel or business sign erected, maintained, or regulated under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 395.058. CONFLICT WITH MUNICIPAL ORDINANCE. (a) This subchapter does not authorize a commissioners court to issue an order or regulation that conflicts with a municipal ordinance pertaining to billboards or outdoor advertising.

(b) An order or regulation issued under this subchapter that conflicts with a municipal ordinance is void.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.